

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

BINTI MOHAMED, et al. *
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MICHAEL McLaurin * CIVIL FILE NO. 17-73

TRIAL BY COURT
Wednesday, February 13, 2019
Burlington, Vermont

BEFORE:

THE HONORABLE CHRISTINA REISS
District Judge

APPEARANCES:

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for the Plaintiffs

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1 WEDNESDAY, FEBRUARY 13, 2019

2 (The following was held in open court at 9:13 a.m.)

3 COURTROOM DEPUTY: Your Honor, the matter
4 before the Court is civil case number 17-CV-73, Binti
5 Mohamed, et al., versus Michael McLaurin. Representing
6 the plaintiffs are Attorneys Rachel Batterson and Erika
7 Johnson. Representing the defendant is Jerome Diamond.

8 And we are here for a bench trial.

9 Madina Mohamed is present as interpreter for the
10 plaintiff. Mohamed Ali Abdullahi is present as
11 interpreter for the witness.

12 THE COURT: Good morning.

13 MS. BATTERSON: Good morning, your Honor.

14 MR. DIAMOND: Good morning.

15 THE COURT: The first thing I am going to take
16 up is the motion for dismissal and other sanctions, and
17 I am not going to grant it on the papers. We are going
18 to go forward. It is unlikely that I would impose the
19 most severe sanction of dismissal without having an
20 inability to grant a continuance or otherwise rectify
21 the prejudice to the defendant.

22 The Court does have an obligation for equality
23 under the law, and that means for plaintiffs and
24 defendants, and I am mindful of that. We found two
25 cases -- I should say the law clerk found two cases

1 about the need for impartial interpreters. I will give
2 you the cites for them. And I am going to give you an
3 opportunity to reply, so there probably will be a
4 consequence. I haven't decided what it should be,
5 whether it should be an award of costs or how I should
6 deal with that.

7 One of the cases is Prince versus Beto, B-E-T-O,
8 and it's 426 F. Second 875. And the other case is
9 Advanced Technology Incubator, Inc. versus Sharp
10 Corporation, and that's 701 F. Supp. Second 861. One is
11 from the -- the first one's from the Fifth Circuit and
12 the second one is from the Eastern District of Texas.

13 Are we ready to go forward today?

14 MS. BATTERSON: Yes, your Honor.

15 THE COURT: All right. And you are ready as
16 well?

17 MR. DIAMOND: Yes, your Honor. But I have --
18 before plaintiffs' witnesses, we have subpoenaed a
19 witness for nine o'clock to get some documents admitted.
20 These were documents, by the way, that we tried -- they
21 have been disclosed to each other during initial
22 disclosures, but we tried to get them under 902 just to
23 be certified.

24 Miss Batterson did not respond to the housing
25 authority giving them permission to do that, and so I

1 had to serve a subpoena yesterday. And the custodian of
2 the inspection records is here, is prepared to testify,
3 and has brought the documents, and I have given copies
4 of those documents to Ms. Batterson. And he is here,
5 and I would much appreciate it if the Court would just
6 allow me to do that quickly before the testimony starts.

7 THE COURT: All right. Any objection to that?

8 MS. BATTERSON: Yes. Several. I was handed
9 these documents this morning, maybe 15 minutes ago. I
10 may have seen some of them before; I'm not sure. I
11 haven't a chance to review them and compare.

12 The subpoena was not served on us pursuant to FRA
13 45(a)(4), so we didn't see the subpoena until I arrived
14 here this morning.

15 THE COURT: But I think it was served
16 yesterday.

17 MS. BATTERSON: It was served 2/11. Well,
18 it's signed 2/11. I don't actually have a return of
19 service. There's proof of service page with nothing on
20 it. So we don't have a proof of service. It was not
21 served on us. It was not filed with the court so that
22 we would have gotten it through the electronic system,
23 as far as I know. I mean, I was pretty late at the
24 office, and I didn't see anything come through.

25 The other objection I have is that this is a large

1 group of documents, and in order to go through them all
2 will take some time, and we only have our in-person
3 Arabic interpreter for half -- for this morning. That
4 was the only availability of an Arabic in-person
5 interpreter for a witness, and so we might lose the
6 window of that interpreter by hearing this first.

7 THE COURT: All right. I am going to take up
8 the custodian of records testimony about authentication.
9 I will not admit them at this time. You will have an
10 opportunity to review them before the Court admits them,
11 but I am not going to hold up a third person who has no
12 involvement in this dispute until we get to the
13 defendant's case.

14 I'm not seeing that we have both a court
15 interpreter and one for your client. I am seeing we are
16 still having another translator. Have you decided that
17 she will be your translator?

18 MS. BATTERSON: Yes.

19 THE COURT: Okay. That makes perfect sense.

20 MS. BATTERSON: Since we had already spoken
21 extensively through --

22 THE COURT: Okay. Perfect. Perfect.

23 MS. BATTERSON: Okay.

24 THE COURT: Thank you.

25 All right. Let's have the person come in. I will

1 take the witness out of turn.

2 MR. DIAMOND: Thank you, your Honor.

3 RICHARD WINEGAR,

4 having been duly sworn by the courtroom deputy,
5 was examined and testified as follows:

6 THE COURT: Good morning. Just what you
7 wanted to do on a Wednesday morning, huh?

8 THE WITNESS: That's okay. Good morning.

9 DIRECT EXAMINATION

10 BY MR. DIAMOND:

11 Q Would you begin by giving an identification of
12 yourself to the judge, your name and what you do.

13 A Yes. Richard Winegar. I work for Burlington
14 Housing Authority as the housing quality standards
15 inspection department manager.

16 Q And are you the custodian of all records having to
17 do with inspections?

18 A Yes.

19 Q Including letters announcing inspections and
20 inspection reports?

21 A Yes.

22 Q And are the letters written immediately before
23 inspections to notify both the tenant and the landlord,
24 and were they done by you?

25 A Yes. Those --

1 MS. BATTERSON: Objection, because I think we
2 need to -- he needs to be more specific. It's a very
3 broad question about all letters that were sent.

4 THE COURT: So my understanding is we were
5 going to do this as custodian of record.

6 MR. DIAMOND: Yes.

7 THE COURT: So these are the records. They're
8 authentic. This is what they consist of. And getting
9 into his job duties, unless he is a fact witness, seems
10 beyond that. Okay.

11 BY MR. DIAMOND:

12 Q So did you bring the documents this morning?

13 A Yes.

14 Q And do you have them with you?

15 A Yes.

16 Q And were they -- were the records made at or near
17 the time from someone with knowledge at the time of
18 inspections?

19 A Yes.

20 Q And was the record kept in the course of a
21 regularly conducted activity of a business?

22 A Yes.

23 Q Yours?

24 A Yes.

25 Q And was making the record a regular practice of

1 that activity?

2 A Yes.

3 Q And, in fact, the inspection reports were made how
4 soon after the inspections?

5 A Usually immediately right after the inspection.

6 Q And these involve three inspections essentially --

7 A I have three inspections.

8 Q -- or follow-ups?

9 A Yes.

10 MR. DIAMOND: So, your Honor, I would like to
11 move to admit his original documents, and then I want to
12 ask him a question about just whether these defendant's
13 exhibits, using those documents, are, in fact, the same.

14 THE COURT: So here's what I am going to do:
15 I am going to allow it to be admitted for the purpose of
16 authenticating the record. You can move to strike them
17 for other purposes -- nondisclosure -- after you have
18 had a chance to review them, but I am going to allow
19 this inquiry. So go ahead.

20 MR. DIAMOND: Thank you.

21 BY MR. DIAMOND:

22 Q So, Rich, I want you to please take a look at
23 Exhibits 11, -2, -3, -4 and -5 and just, if you could,
24 take a look at them comparing them to what you brought
25 to the court and just answer the question, can you

1 identify them?

2 A These appear to be the copies of these documents.

3 Q Okay.

4 MR. DIAMOND: Thank you, your Honor. I have
5 one question. For the original documents that he
6 brought, do you want them marked as well?

7 THE COURT: I think that's a great idea. So,
8 yes.

9 MR. DIAMOND: Do you want them marked as one
10 packet or three separate?

11 THE COURT: Let's have them marked as one
12 packet.

13 MR. DIAMOND: Your Honor, I have no further
14 questions for the witness.

15 THE COURT: Miss Batterson, any questions for
16 the witness?

17 MS. BATTERSON: No, your Honor.

18 THE COURT: Thank you, sir. You may step
19 down.

20 THE WITNESS: Thank you. Am I free to go?

21 THE COURT: You are free to go.

22 (Witness excused.)

23 THE COURT: Miss Batterson may call her first
24 witness on behalf of the plaintiff.

25 MS. BATTERSON: Thank you, your Honor. I just

1 have to get him from the --

2 INTERPRETER RAJAB MOHAMED: Good morning,
3 your Honor.

4 THE COURT: Good morning. We are going to
5 have you sworn in.

6 (Rajab Mohamed was sworn as Arabic interpreter
7 for the witness.)

8 THE COURT: And would you please step behind
9 the microphone while I just ask you some questions about
10 your qualifications. Yes.

11 So, Mr. Mohamed, have you served as a court
12 interpreter previously?

13 INTERPRETER RAJAB MOHAMED: I did, in the
14 state court.

15 THE COURT: And how many times?

16 INTERPRETER RAJAB MOHAMED: I don't remember,
17 but mostly five, six times.

18 THE COURT: Five, six times. And what
19 languages are you fluent in for purposes of today?

20 INTERPRETER RAJAB MOHAMED: I speak Arabic.

21 THE COURT: Arabic. And how about your
22 English proficiency?

23 INTERPRETER RAJAB MOHAMED: I did my
24 examination with AALV, Association of Africans Living in
25 Vermont. And I did -- I work for them.

1 THE COURT: All right. So you were certified
2 as an Arabic-to-English language interpreter?

3 INTERPRETER RAJAB MOHAMED: Yes, ma'am.

4 THE COURT: All right. And do you do
5 interpretations outside the context of the court, like
6 medical interpretations?

7 INTERPRETER RAJAB MOHAMED: I do, your Honor.
8 Every day.

9 THE COURT: Every day.

10 INTERPRETER RAJAB MOHAMED: Every day, your
11 Honor.

12 THE COURT: And so has any court ever
13 qualified you as an expert interpreter?

14 INTERPRETER RAJAB MOHAMED: Statehouse, yes.

15 THE COURT: Any questions for Mr. Mohamed from
16 defendant about qualifications?

17 MR. DIAMOND: No, your Honor.

18 THE COURT: Any questions from plaintiff?

19 MS. BATTERSON: No, your Honor.

20 THE COURT: I will find you qualified to
21 interpret for our court. We want a word-for-word
22 verbatim interpretation. I understand with languages it
23 doesn't actually work like that, so you do it the way
24 you know how to do it, but I'm not looking for anything
25 other than what the witness says. Don't add anything.

1 Don't subtract anything. All right?

2 INTERPRETER RAJAB MOHAMED: I will do it by
3 the way the Court wanted.

4 THE COURT: All right. Thank you.

5 INTERPRETER RAJAB MOHAMED: You're welcome.

6 THE COURT: You will take a seat over there,
7 and we are going to swear in the first witness, and you
8 are going to interpret the oath.

9 So this witness needs to come here, and you are
10 going to interpret the oath to this person.

11 INTERPRETER RAJAB MOHAMED: Yes.

12 COURTROOM DEPUTY: Would you please raise your
13 right hand and spell your full name for the record.

14 THE COURT: So go ahead and tell me what he
15 just said for his name.

16 INTERPRETER RAJAB MOHAMED: I asked him, "The
17 Court said bring your right hand up."

18 THE COURT: No. I meant what was his name.

19 INTERPRETER RAJAB MOHAMED: Hassan.

20 THE COURT: Hassan?

21 INTERPRETER RAJAB MOHAMED: Yes. Hassan
22 Al-Basha.

23 THE COURT: Thank you.

24 HASSAN KOWA AL-BASHA HAWAN,

25 having been duly sworn by the courtroom deputy,

1 was examined and testified through the interpreter
2 as follows:

3 DIRECT EXAMINATION

4 BY MS. BATTERSON:

5 Q Hassan, how do you know Binti Mohamed?

6 INTERPRETER RAJAB MOHAMED: He said it is his
7 wife.

8 BY MS. BATTERSON:

9 Q And how many children does Ms. Mohamed have?

10 INTERPRETER RAJAB MOHAMED: Okay. He has six
11 kids with her, and she has another two kids from another
12 husband.

13 BY MS. BATTERSON:

14 Q Okay. And how do you know the six children?

15 INTERPRETER RAJAB MOHAMED: Can you repeat --

16 MS. BATTERSON: I think you just answered
17 that. I apologize.

18 INTERPRETER RAJAB MOHAMED: Can you repeat the
19 question, please.

20 MS. BATTERSON: It's okay. I will ask you a
21 different question.

22 BY MS. BATTERSON:

23 Q Do you work?

24 A Yes.

25 Q Do you work full time?

1 A Yes.

2 Q What hours do you work?

3 A From nine evening until five morning.

4 Q And are those the same hours you worked when
5 Ms. Mohamed lived at Front Street?

6 A No.

7 INTERPRETER RAJAB MOHAMED: He go back to look
8 for the kids. He care about his children.

9 MS. BATTERSON: I'm sorry. I didn't quite
10 understand.

11 INTERPRETER RAJAB MOHAMED: After he finish
12 his work, five in morning, he go to home to look for the
13 kids.

14 MS. BATTERSON: Okay.

15 THE COURT: So her question was: Are those
16 the same hours that you worked when you lived on Front
17 Street? And that's the question that needs to be
18 answered.

19 THE WITNESS: Yes.

20 MS. BATTERSON: Okay. You might need to talk
21 a little louder. I know it's hard. I have the same
22 problem.

23 INTERPRETER RAJAB MOHAMED: Okay.

24 "Yes."

25 MS. BATTERSON: Sorry. I mean Hassan.

1 THE WITNESS: (In English) Oh, okay. Yeah.

2 BY MS. BATTERSON:

3 Q So during -- I think you just testified that during
4 the day, you would be with the children; is that
5 correct?

6 A All the day, I sit --

7 INTERPRETER RAJAB MOHAMED: He said sit with
8 the kids to bring them to -- if they have an
9 appointment, if they have to go to the school, if he
10 have to do food for them.

11 MS. BATTERSON: Okay.

12 BY MS. BATTERSON:

13 Q While Binti was living at Front Street, did you
14 ever see Mr. McLaurin come into the apartment?

15 A Always he is there.

16 Q Can you say what you mean by always?

17 INTERPRETER RAJAB MOHAMED: He said sometime
18 he doesn't know if he is work in the building, and
19 the -- sometime he come to check for the building,
20 sometime he come to do inspection for the building.

21 BY MS. BATTERSON:

22 Q So sometimes he comes to check on the building?

23 A Yes, yes. And sometime the kids outside of the
24 door and he yelling at them.

25 Q Sometimes outside of the home and --

1 A He yelled at them.

2 Q Okay. Did Mr. McLaurin ever come into the Front
3 Street apartment when he did not have a thing to
4 inspect?

5 A I don't think.

6 INTERPRETER RAJAB MOHAMED: He said he doesn't
7 think.

8 MS. BATTERSON: Okay.

9 MR. DIAMOND: I didn't understand that.
10 Excuse me. He said what?

11 THE COURT: "I don't think so."

12 So the question was: Did he ever come to the
13 building for a reason other than an inspection,
14 paraphrasing, and the answer was, "I don't think so."

15 THE INTERPRETER: "I don't think."

16 BY MS. BATTERSON:

17 Q Did -- sorry.

18 How did Mr. McLaurin act when he came into the
19 apartment?

20 MR. DIAMOND: Objection.

21 THE COURT: Basis?

22 MR. DIAMOND: Objection. When? When?

23 THE COURT: So we should have a couple things.
24 We should have a time frame, and we probably need an
25 identification of who Mr. McLaurin is. So I am going to

1 sustain the objection. Ask the question with some frame
2 of reference as to time and identification.

3 BY MS. BATTERSON:

4 Q When Ms. Mohamed -- when Binti lived at Front
5 Street --

6 MS. BATTERSON: You can't hear me?

7 INTERPRETER RAJAB MOHAMED: No.

8 BY MS. BATTERSON:

9 Q When Binti lived at Front Street and Mr. McLaurin
10 came into the apartment -- you want a specific instance?
11 Okay.

12 When Binti lived at Front Street and came in -- and
13 Mr. McLaurin came into the apartment to do an
14 inspection, how did Mr. McLaurin behave?

15 INTERPRETER RAJAB MOHAMED: He said, "When he
16 come, he always yelling, and he go inside the home. He
17 look for everything, and," he said, "even the curtain."
18 The curtain, they put it in the -- above of the window
19 or the door. He take it out.

20 And the witness ask me if I knew what is the
21 meaning of that curtain. He ask me (foreign language
22 spoken), which means he asked me if I knew the curtain.
23 I reply yes, I knew. So he said when he come inside, he
24 always yelling, looking for everything. He look for the
25 curtain. He take it off.

1 BY MS. BATTERSON:

2 Q I'm not -- what did you not understand, Hassan?
3 The meaning of what?

4 INTERPRETER RAJAB MOHAMED: Your question of
5 how he act?

6 MS. BATTERSON: Okay. He didn't understand
7 the behavior.

8 INTERPRETER RAJAB MOHAMED: The question --

9 COURT REPORTER: Wait. We can't talk at the
10 same time.

11 INTERPRETER RAJAB MOHAMED: Oh, I'm sorry.

12 MS. BATTERSON: My fault.

13 THE COURT: So I don't want the interpreter to
14 do more than you need to do. It's Ms. Batterson's job
15 to ask the questions. You just translate. If the
16 answer doesn't come back the way she wants it, she asks
17 a new question. Okay? You don't have any obligation to
18 fix it.

19 INTERPRETER RAJAB MOHAMED: Okay.

20 BY MS. BATTERSON:

21 Q Hassan, what -- what did you not understand?

22 A About what?

23 Q Thank you.

24 What did you not understand -- sorry. Forget it.
25 I will just go on.

1 You just testified that Mr. McLaurin came in and
2 did something with the curtain. Can you tell us more
3 about that.

4 INTERPRETER RAJAB MOHAMED: He said, in the
5 kitchen has the refrigerator broke. He called to
6 come -- his wife called to come to fix it. He never
7 show up, and after this, they have to throw out all --

8 THE COURT: Keep going. And then we'll --

9 INTERPRETER RAJAB MOHAMED: He has to throw
10 out all the food.

11 THE COURT: All right. You have an objection?

12 MR. DIAMOND: I have two, your Honor.

13 THE COURT: Okay.

14 MR. DIAMOND: First of all, we have not
15 established when. Second of all, he testified as to
16 what his wife told him. That's hearsay, and I move to
17 strike it.

18 THE COURT: All right. Time frame is when
19 Miss Mohamed lived at Front Street. So that was the
20 predicate for the question.

21 And kitchen refrigerator was broke, landlord never
22 came to fix it. We threw out all the food. I am not so
23 sure that is all based on hearsay.

24 You may examine that in cross examination or
25 whether that's something he observed himself. At this

1 point it has not been established.

2 MR. DIAMOND: Then I will raise the objection
3 that to just say when she lived at Front Street is
4 overly broad. She lived there for 18 months. Can't we
5 narrow that window at least some, your Honor?

6 THE COURT: I believe the whole 18 months is
7 at issue in this case. Yes?

8 MS. BATTERSON: Yes.

9 THE COURT: So that's the time period. You
10 may ask for more precision, and it may go to the
11 credibility of the witness.

12 BY MS. BATTERSON:

13 Q Hassan, did -- what did you see happen with the
14 refrigerator at Front Street when Binti lived there?

15 A He came one time when the refrigerator is broke, he
16 take the food, and he put it in front of the door
17 because the refrigerator was broke. A lot of food, he
18 take it out.

19 Q When you -- sorry.

20 INTERPRETER RAJAB MOHAMED: After this, they
21 never -- he never show up to fix the refrigerator, and
22 he went and he bought a refrigerator from his own money.
23 He and his wife.

24 BY MS. BATTERSON:

25 Q You just said that he took food out of the

1 refrigerator. Who do you mean?

2 INTERPRETER RAJAB MOHAMED: He said when the
3 (foreign language spoken) man came to the home, he was
4 yelling and he found the refrigerator is broke, he took
5 the food, and he told him, because it is a lot of food,
6 and he take the food out of the door.

7 BY MS. BATTERSON:

8 Q Hassan, are you saying that he, meaning Mr.
9 McLaurin, took the food?

10 A Yes, yes.

11 Q A few minutes ago, you said that Mr. McLaurin did
12 something with a curtain. What curtain was that?

13 A The curtain, he brought it in the bathroom, the
14 door of the bathroom, and there's a window.

15 Q Did you say the hole of the bathroom?

16 INTERPRETER RAJAB MOHAMED: Can you repeat
17 your question, please.

18 BY MS. BATTERSON:

19 Q Tell me again where the curtain was.

20 A They brought curtain above the bathroom door.

21 Q Okay. And the bathroom door was in the Front
22 Street apartment?

23 A Yes, yes. It is only one bathroom.

24 Q And what did you see Mr. McLaurin do to the curtain
25 hanging in the bathroom?

1 A He said this curtain should not be there, and he
2 take it off, and he take it with him.

3 MS. BATTERSON: Okay. I just want to say you
4 don't need to talk as -- quite as loud for me. I'm
5 hearing.

6 INTERPRETER RAJAB MOHAMED: Okay. I'm sorry.
7 Because I make my voice high, I apologize.

8 THE COURT: I like it, so keep going.

9 INTERPRETER RAJAB MOHAMED: So I just like you
10 to hear it.

11 MS. BATTERSON: Okay.

12 INTERPRETER RAJAB MOHAMED: So I apologize. I
13 don't mean my voice to be high.

14 THE COURT: No.

15 INTERPRETER RAJAB MOHAMED: I don't like to
16 come -- I don't want to bother him.

17 MS. BATTERSON: Okay.

18 THE COURT: It's working fine.

19 INTERPRETER RAJAB MOHAMED: Okay.

20 MS. BATTERSON: Okay.

21 BY MS. BATTERSON:

22 Q What did you see, if you saw anything -- did you
23 see Binti or did you yourself do anything with the place
24 that now was the doorway with no curtain?

25 INTERPRETER RAJAB MOHAMED: Can you repeat

1 your question, please.

2 MS. BATTERSON: Yes.

3 BY MS. BATTERSON:

4 Q You just talked about Mr. McLaurin taking the
5 curtain away from the bathroom door and taking it away.
6 Did you see Binti put anything there in that hole, in
7 the open doorway, or did you put anything in that open
8 doorway?

9 INTERPRETER RAJAB MOHAMED: He said second
10 time he bought another curtain, and he came back and he
11 take it the same way.

12 BY MS. BATTERSON:

13 Q When you say he came back, who do you mean?

14 INTERPRETER RAJAB MOHAMED: Always he come to
15 his home.

16 BY MS. BATTERSON:

17 Q Who is he?

18 INTERPRETER RAJAB MOHAMED: He said he doesn't
19 know how to announce his name.

20 A Mr. Michael.

21 BY MS. BATTERSON:

22 Q Okay. Is Mr. Michael here in the courtroom?

23 INTERPRETER RAJAB MOHAMED: "Na'am." And he
24 put his hand to him.

25 THE COURT: So remember "na'am" is Arabic.

1 INTERPRETER RAJAB MOHAMED: Oh, I'm sorry.

2 Yes, yes. I'm sorry, your Honor.

3 MS. BATTERSON: So Hassan said yes, and
4 indicated to Mr. McLaurin?

5 INTERPRETER RAJAB MOHAMED: He said yes.

6 BY MS. BATTERSON:

7 Q Hassan, can you describe Mr. McLaurin as he is
8 sitting here today?

9 INTERPRETER RAJAB MOHAMED: He said that he is
10 sitting between the two lawyers in the middle.

11 BY MS. BATTERSON:

12 Q Okay. Can you tell me any other time that you saw
13 or heard Mr. McLaurin come into the Front Street
14 apartment when Binti lived there?

15 INTERPRETER RAJAB MOHAMED: He said he told
16 you he always come there if it is appointment or no
17 appointment. He just come and opens the door and go
18 inside that way.

19 MR. DIAMOND: Your Honor?

20 BY MS. BATTERSON:

21 Q Let's go back --

22 MR. DIAMOND: Your Honor, "always" just
23 nonresponsive.

24 THE COURT: It is, but I can address that in
25 terms of my credibility analysis and the weight of the

1 evidence. So if I discount "always," that's fine, but
2 you can ask him on cross examination how many times. At
3 this point "always" does not do much for the plaintiff.

4 MR. DIAMOND: I didn't think -- I thought the
5 question, your Honor, was at other times when Binti was
6 there, and I thought that -- did I misunderstand that
7 question?

8 THE COURT: I believe the question was -- we
9 could get a readback -- were there other occasions that
10 Mr. McLaurin came to the apartment while Miss Mohamed,
11 Binti Mohamed, lived on Front Street? And the answer
12 was something to the effect of, "I already told you, he
13 always came, opened the door, with or without an
14 apartment [sic]." I am just taking my own notes.
15 That's where I ended up.

16 MR. DIAMOND: Thank you.

17 MS. BATTERSON: I am just noting that Hassan
18 was -- that was not interpreted for Hassan, so he may
19 not understand.

20 INTERPRETER RAJAB MOHAMED: Should I explain
21 all this?

22 THE COURT: No. Just ask the next question.

23 BY MS. BATTERSON:

24 Q Let's go back to the curtain in the doorway of the
25 bathroom.

1 When -- the first time when Mr. McLaurin came into
2 the apartment, why was he there? The first time that he
3 took down the curtain, why was he there?

4 INTERPRETER RAJAB MOHAMED: I just like to
5 mention sometime in the culture I can repeat "what did
6 you say," so he repeated. When I ask him why he was
7 going there, he said (foreign language spoken). It
8 means that he repeat it and this is part of the culture.
9 So he said (foreign language spoken). "I don't know why
10 he come to the home. We don't know why he come there."

11 BY MS. BATTERSON:

12 Q And the second time that Mr. McLaurin took down the
13 curtain, why was he there?

14 INTERPRETER RAJAB MOHAMED: He said that he
15 told him he come to look to the bathroom.

16 BY MS. BATTERSON:

17 Q Okay. Was there a problem in the bathroom at Front
18 Street when Binti lived there?

19 INTERPRETER RAJAB MOHAMED: He said that Mr.
20 McLaurin told him some people from downstairs, they make
21 a complaint about the bathroom.

22 BY MS. BATTERSON:

23 Q And what did Mr. McLaurin do while he was there?

24 A He come. He did a check. He did not found
25 anything. Later on, he came with another gentleman with

1 him. They did not found anything. Then he left.

2 Q Was there another time that Mr. McLaurin did
3 something with a curtain in a window or something
4 covering a window that you saw?

5 A Yes. Two times.

6 Q Tell me the first time.

7 A First time he took off the curtain and he take it
8 with him. Second time, we bought another curtain and he
9 take it off with him.

10 Q Was there a third time that Mr. McLaurin did
11 something with a curtain in the window?

12 A No, your Honor.

13 Q Did you ever see Mr. McLaurin knock on a neighbor's
14 door?

15 INTERPRETER RAJAB MOHAMED: Sorry. I ask him
16 to come close to the microphone. This is why I said
17 another -- ask him.

18 Can you repeat your question, please.

19 BY MS. BATTERSON:

20 Q Did you ever see Mr. McLaurin knock on a neighbor's
21 door?

22 INTERPRETER RAJAB MOHAMED: Yes, he saw him
23 knocking on the door for neighbors up the stairs.
24 Sometime.

25 BY MS. BATTERSON:

1 Q And what did Mr. McLaurin do after he knocked on
2 the door?

3 A You ask me about my door or neighbor's door?

4 Q Thank you.

5 When Mr. McLaurin knocked on the neighbor's door,
6 what did he do next?

7 A I don't know.

8 Q Okay.

9 A This is question you should ask to him.

10 INTERPRETER RAJAB MOHAMED: I'm sorry. I just
11 repeat what he said. I'm sorry.

12 THE COURT: That's exactly what you need to
13 do.

14 MS. BATTERSON: That's what you need to do.
15 That's fine.

16 BY MS. BATTERSON:

17 Q Is there a garage or a -- is there a garage or a
18 shed at the 70 -- at Front Street?

19 INTERPRETER RAJAB MOHAMED: Would you allow me
20 to explain him about what is the meaning of shed? Can
21 I?

22 THE COURT: Yes.

23 INTERPRETER RAJAB MOHAMED: He said he has
24 mini-storage inside the parking down, and he has many
25 storage in the garage.

1 BY MS. BATTERSON:

2 Q And when you say he has mini-storage, who do you
3 mean?

4 INTERPRETER RAJAB MOHAMED: He said those are
5 for his work. He doesn't know what this is for.

6 BY MS. BATTERSON:

7 Q Whose storage is it?

8 A Mr. Michael.

9 Q Did you ever see Mr. Michael in that shed or
10 garage?

11 A He is always there.

12 Q What does "always" mean? Does it mean --

13 INTERPRETER RAJAB MOHAMED: I would like to
14 mention also, your Honor, in their language, you can see
15 (foreign language spoken) because they don't go by
16 specific. The (foreign language spoken) language for
17 Arabic people, if you -- example, if you see Mr. Mike
18 two, three times, they don't go by specific, "Oh, I saw
19 him two or three." "I always see him." This is why I
20 like to explain, if you allow me to tell him specific.

21 THE COURT: So that's helpful. Miss Batterson
22 needs to ask how many times. When he says "always," you
23 need to say how many times because, as you know, in
24 English, always means always.

25 INTERPRETER RAJAB MOHAMED: Yes.

1 THE COURT: Okay.

2 MS. BATTERSON: I can ask --

3 INTERPRETER RAJAB MOHAMED: I try to explain
4 to him the Court like to know how many times, because
5 the word of "always" we use in Arabic country is not
6 here.

7 He said sometime he come -- he came in morning and
8 he leave, and sometime he come afternoon. Sometime he
9 can come two, three times a day; sometimes he can see
10 him five times every week. This is what mean "always"
11 for him there.

12 BY MS. BATTERSON:

13 Q Okay. You said sometimes Mr. McLaurin,
14 Mr. Michael, came to the shed five times in a week. In
15 other weeks, how often was he there?

16 INTERPRETER RAJAB MOHAMED: He said yes,
17 sometime he did not see him.

18 BY MS. BATTERSON:

19 Q Sometimes you did not see him in a week?

20 A Days, not week.

21 Q Okay. In a week when you did not see him, did you
22 see him during that month?

23 A Yes.

24 INTERPRETER RAJAB MOHAMED: Always he come,
25 and always he see him.

1 BY MS. BATTERSON:

2 Q Always he --

3 INTERPRETER RAJAB MOHAMED: He came and always
4 he see him.

5 BY MS. BATTERSON:

6 Q Can you describe what is -- can you describe what
7 is next to the shed?

8 A You mean the shed in the back?

9 Q The park.

10 INTERPRETER RAJAB MOHAMED: Yes.

11 He said he has parking of the cars, and each
12 apartment, it has specific park.

13 MS. BATTERSON: Okay.

14 MR. DIAMOND: Excuse me, your Honor.
15 Objection. There's no foundation for that response at
16 all.

17 THE COURT: So there is. She asked what's
18 next to the shed. And the answer is parking. Might be
19 inaccurate, but that's what the pending question was.

20 MR. DIAMOND: I thought the pending
21 question -- I'm sorry -- was could he describe the shed
22 in the back.

23 THE COURT: That was some questions ago.

24 MR. DIAMOND: Okay.

25 BY MS. BATTERSON:

1 Q During the time that Binti lived at 70 -- at Front
2 Street, did your children go outside to play?

3 A Yes.

4 INTERPRETER RAJAB MOHAMED: Sometime his kids
5 play with the other kids and sometimes they go in front
6 of the apartment.

7 A As soon as Mr. Michael, he come, he yelling at them
8 and he swearing at them, and he give them some
9 (unintelligible) word. It is not good for the kids to
10 hear, that the kids run away.

11 BY MS. BATTERSON:

12 Q Did you see this yourself?

13 A Yes, yes.

14 Q You saw Mr. McLaurin yell at your children, and
15 they ran away?

16 A Yes.

17 Q And how were the children acting when they ran
18 away?

19 A Of course they have to be scared.

20 INTERPRETER RAJAB MOHAMED: They have to --
21 for the kids, the word (unintelligible), or yelling or
22 yell, when somebody is scared, we use Arabic word. Like
23 for him the word is added, as an example, help me, help
24 me. This is how the word he said it.

25 BY MS. BATTERSON:

1 Q And did the children say "help me" or what -- did
2 they say something else?

3 MR. DIAMOND: Objection, your Honor. That's
4 hearsay.

5 MS. BATTERSON: Excited utterance.

6 THE COURT: Well, it might be an excited
7 utterance, so I will allow it, but let's focus on what
8 he actually heard. And I'm not so sure it's offered for
9 the truth of "help me" and I'm not so sure it matters
10 what the kids said.

11 INTERPRETER RAJAB MOHAMED: I try to explain
12 to him what he mean by "help me." The same way he
13 explain this is how in the culture, when you get scared,
14 if your kids are scared, they become scared and they
15 start yelling and run. Their culture, they don't --
16 they don't -- we grew up -- your Honor, I'm sorry. We
17 grew up, we don't have like "help me" or "I need help"
18 or all this. If you have --

19 COURT REPORTER: Wait, wait.

20 THE COURT: Okay, so slow down. I understand
21 what you are saying. Don't -- you don't have to do
22 anything more than we're asking you to.

23 So you are telling us that they were excited,
24 scared and ran, and they didn't say something like "help
25 me" because that's not what happens in the culture. But

1 just tell us what the witness said, and if you told us,
2 we're going to get a new question.

3 INTERPRETER RAJAB MOHAMED: They are scared
4 and they run away.

5 BY MS. BATTERSON:

6 Q What did they do after they ran away? Where did
7 they run?

8 A They ran to go inside the home.

9 Q Where in the home did they go?

10 A Second floor. Inside the room.

11 Q Inside their room?

12 INTERPRETER RAJAB MOHAMED: Yes.

13 BY MS. BATTERSON:

14 Q Did Mr. McLaurin -- did you see other children, not
15 your children -- other children play outside?

16 A Yes. The neighbors, the downstairs.

17 Q Did Mr. McLaurin yell at the neighbors' children?

18 A I don't know. I just look for my kids, and when I
19 saw my kids come and they ran and I hear Mr. McLaurin
20 yelling at them.

21 Q Did you ever see Mr. McLaurin do anything else with
22 food? Not the fridge. Other food in the apartment?

23 A No.

24 INTERPRETER RAJAB MOHAMED: Sometime --
25 sometime he have dry food inside the shelf, and Mr.

1 McLaurin take it out from the shelf.

2 BY MS. BATTERSON:

3 Q From the shed?

4 INTERPRETER RAJAB MOHAMED: Inside the kitchen
5 he has a shelf.

6 MS. BATTERSON: Shelf.

7 THE COURT: Shelf.

8 INTERPRETER RAJAB MOHAMED: Yes. Inside the
9 kitchen. So under the shelf, he has dry food.

10 MS. BATTERSON: Okay.

11 BY MS. BATTERSON:

12 Q Can you tell more about what you saw.

13 A I don't know why he always come and he saw -- he
14 see that it's a lot of food. He take the food out of
15 the counter and he put it out, and he left.

16 Q Where did he put the food?

17 A He put it in the floor in the kitchen.

18 Q And you were -- were you there when Mr. McLaurin
19 did this?

20 A Yes, I was there.

21 Q I want to just go back and describe when you were
22 in the apartment at 74 Front Street, when Binti lived
23 there, Mr. --

24 That's a question.

25 A What do you want me to describe?

1 Q When Binti lived at Front Street, you -- did you
2 work at night at that time?

3 A Yes, yes.

4 Q And --

5 A I always work at night.

6 Q Okay. Do you -- what days of the week do you work
7 at night?

8 A Five days.

9 Q Which days of the week?

10 INTERPRETER RAJAB MOHAMED: He just take off
11 Wednesday, Thursday. I ask him always? So he work five
12 days except Wednesday and Thursday.

13 MS. BATTERSON: Okay.

14 INTERPRETER RAJAB MOHAMED: Every week.

15 BY MS. BATTERSON:

16 Q And where was Binti during -- where was Binti when
17 you were -- sorry, sorry.

18 Where were you when you were not at work?

19 A At home.

20 Q Where is "at home"?

21 A 74 Front Street.

22 Q Do you have another apartment just for you?

23 A No, no.

24 Q Do you have another place that you live?

25 A No, I don't have.

1 Q How did living at Front Street affect Binti?
2 Binti.

3 MR. DIAMOND: Objection, your Honor.

4 THE COURT: Sustained.

5 INTERPRETER RAJAB MOHAMED: Continue,
6 your Honor?

7 THE COURT: No.

8 MS. BATTERSON: No.

9 INTERPRETER RAJAB MOHAMED: Okay.
10 He asked me what happened.

11 THE COURT: She is thinking of a new question.

12 BY MS. BATTERSON:

13 Q Did you see Binti during the time she lived at
14 Front Street?

15 A Yes. And this is not easy -- this is not normal
16 question because she is my wife and she live with me
17 always.

18 Q Did you see Binti cry when she lived at Front
19 Street?

20 A Yes. Many times.

21 Q How often did you see her cry?

22 INTERPRETER RAJAB MOHAMED: Many times she
23 cry, and the one day she called him -- he wasn't home --
24 and she told him that Mr. Mike yelling at her, and he
25 can hear when she talking, she crying, and sometime he

1 hear Mr. Mike when he is with her.

2 BY MS. BATTERSON:

3 Q You could hear Mr. Michael in the phone?

4 INTERPRETER RAJAB MOHAMED: Yes, yes. Even in
5 this time he was in his back home Sudan, and she called
6 him. He is out of country. And he hear them.

7 BY MS. BATTERSON:

8 Q And what did you hear?

9 A I know his voice when he yell. I hear his voice.

10 Q And he was yelling?

11 A Yes.

12 Q Do you know what he -- did you hear what Mr.
13 McLaurin was saying while he was yelling?

14 A No. Yelling by phone, you don't understand the
15 specific what is going on. You cannot hear what he
16 said.

17 Q Was Binti crying at that time?

18 A Yes, she was crying.

19 INTERPRETER RAJAB MOHAMED: And this time, the
20 kids with him except little one, the baby. She stay
21 with her mom.

22 BY MS. BATTERSON:

23 Q At the time you were on the telephone talking to
24 Binti?

25 A Yes.

1 INTERPRETER RAJAB MOHAMED: Her little girl --
2 her little daughter was with him in the Sudan.

3 Q Okay. While you were on the phone from Sudan with
4 Binti with Mr. McLaurin yelling, did Binti explain why
5 she was crying?

6 A The issue because of the refrigerator.

7 Q Has Binti moved out of Front Street now? Now, does
8 Binti live in Front Street?

9 A No. She live in different place.

10 Q And now does she -- do you see her cry now?

11 A No.

12 Q Now, do you see your children play outside?

13 A In the summer. Not in the cold.

14 Q When did Binti move to the new apartment?

15 A Last year.

16 INTERPRETER RAJAB MOHAMED: He think in
17 February last year.

18 BY MS. BATTERSON:

19 Q What season was it?

20 A The same season.

21 Q Okay. This past summer at the new apartment, did
22 you see your children play outside?

23 A Yes, of course. Yes, of course they play outside.
24 Yes.

25 MS. BATTERSON: Those are all the questions I

1 have, your Honor.

2 THE COURT: Any cross examination?

3 INTERPRETER RAJAB MOHAMED: I explain to him
4 what the lawyer says.

5 CROSS EXAMINATION

6 BY MR. DIAMOND:

7 Q Correct me if I don't pronounce it correctly, but
8 Mr. Al-Basha, is that correct?

9 A Yes.

10 Q Where do you work?

11 A JaniTech Company.

12 Q And when you stayed at Front Street as your home,
13 did you park a car there?

14 A Yes. I was parking, but he come to me and he told
15 me --

16 INTERPRETER RAJAB MOHAMED: -- he cannot park
17 here. If he park here, he will tow his car out, and he
18 took his parking and he gave it to somebody else.

19 BY MR. DIAMOND:

20 Q So you parked at Front Street at the same time
21 Binti parked at Front Street?

22 MS. BATTERSON: Objection.

23 THE COURT: Basis?

24 MS. BATTERSON: Beyond the scope of direct.

25 THE COURT: You asked what was next to the

1 shed. We got into parking. He has testified that each
2 apartment had a parking spot. I'll find it's within the
3 scope of direct.

4 INTERPRETER RAJAB MOHAMED: Continue?

5 THE COURT: Yes.

6 INTERPRETER RAJAB MOHAMED: Yes. He has a
7 spot for parking for apartment, and I ask him one spot
8 or two spot, how he park, is the question. He said the
9 landlord give him a spot to park.

10 MR. DIAMOND: The landlord gave a spot to
11 Binti; is that what he said?

12 THE WITNESS: Yes, yes. For the apartment.

13 MR. DIAMOND: Right.

14 BY MR. DIAMOND:

15 Q So the children played outdoors last summer; is
16 that correct?

17 A Do I have a right to ask what you mean by last
18 summer?

19 INTERPRETER RAJAB MOHAMED: His -- he answer,
20 he said sometimes they play -- they play in the park
21 down, but most of the time he takes the kids to the park
22 area for playing.

23 MS. BATTERSON: Objection. What time period
24 are we --

25 THE COURT: So there was a time period in the

1 question.

2 MS. BATTERSON: Okay.

3 THE COURT: There's not clearly one in the
4 answer. That's okay. The attorney knows what to do.
5 He can ask another question. He can ask some follow-up.
6 He knows what to do.

7 So you are doing exactly -- just tell us what he
8 said, and it's the attorneys' jobs to ask the questions.

9 BY MR. DIAMOND:

10 Q Did you know that the children live currently two
11 doors away from Mr. McLaurin's personal residence?

12 A Yes.

13 Q And they have no problem playing outdoors?

14 A No.

15 Q And do you understand English?

16 A Yes.

17 Q Did you ever hear Mr. McLaurin speaking to the
18 children to take their bicycles off the lawn?

19 A The bike is down in the park. What he mean by he
20 takes the bike out?

21 Q I don't understand the answer.

22 THE COURT: So that's the answer, and you can
23 ask a clarifying question.

24 MR. DIAMOND: Thank you, your Honor.

25 BY MR. DIAMOND:

1 Q Did you ever see bicycles laying on the lawn at
2 Front Street?

3 A Yes.

4 MR. DIAMOND: Okay. And did he ever hear
5 Michael ask them to remove the bicycles from the lawn?

6 THE WITNESS: Yes.

7 BY MR. DIAMOND:

8 Q Now, the doorway between the living room and the
9 bathroom had not only a curtain but also a door; am I
10 correct?

11 A Yes.

12 Q So that when the curtain was removed, they still
13 had a door there between the living room and the
14 bathroom?

15 INTERPRETER RAJAB MOHAMED: He was
16 explaining -- he was explaining about our culture.

17 Yes, they have the door, but he said to me, you
18 knew -- he is telling me that his culture, even if you
19 have a door, you have to have the curtain in case if
20 some lady, she come, or female -- if you have somebody
21 in the living room and somebody inside the bathroom, as
22 when she opens the door from the bathroom, she need to
23 go to another room or kitchen, no one can see her.

24 BY MR. DIAMOND:

25 Q Did you ever hear Michael say that the curtain was

1 causing condensation that was running down the walls to
2 the neighbors downstairs?

3 A No. All what he said, this curtain should not be
4 there. He never explain why we have to remove it and if
5 somebody complain from downstairs.

6 Q If he had explained, would you have understood?

7 A I understand. Why not?

8 Q He told you the people from downstairs complained
9 about water from the bathroom, didn't he?

10 MS. BATTERSON: Objection.

11 THE COURT: Basis?

12 MS. BATTERSON: Hearsay.

13 THE COURT: It is hearsay. It appears to be
14 on the affect of his state of mind and for the fact that
15 it's -- we have acts like "I agree," "I offer," "stop,"
16 and this would be in that nature, is it's kind of a
17 verbal act, so I will allow it.

18 INTERPRETER RAJAB MOHAMED: Continue?

19 THE COURT: Yes.

20 INTERPRETER RAJAB MOHAMED: Is your question,
21 does Mr. Michael told him that the people complain about
22 the bathroom downstairs, right?

23 MR. DIAMOND: Right. That water was coming
24 down from his apartment, from Binti's apartment,
25 downstairs into the bathroom downstairs.

1 INTERPRETER RAJAB MOHAMED: I will.

2 THE WITNESS: Mr. Mike knows this is problem
3 from the toilet, not from the curtain.

4 COURT REPORTER: Say again. Mr. Mike --

5 INTERPRETER RAJAB MOHAMED: Knew that this
6 issue from the toilet, not from the curtain.

7 Since we -- they move into the apartment, this
8 problem from the beginning.

9 BY MR. DIAMOND:

10 Q Did Michael ever speak to you when he went into
11 your bathroom and found children playing with water all
12 over the floor?

13 INTERPRETER RAJAB MOHAMED: Is it okay I
14 call Mr. Michael "Mike" or --

15 THE COURT: Sure.

16 INTERPRETER RAJAB MOHAMED: Okay.

17 MS. BATTERSON: Objection. Is he -- is he
18 asking what Hassan saw?

19 THE COURT: No. So this is for a notice
20 issue, and the notice issue is several questions around
21 the same subject, which is what, if anything, did Mr.
22 McLaurin tell this witness about the situation in the
23 bathroom and the downstairs tenant. And he has asked it
24 a number of ways. It hasn't been squarely answered.
25 There hasn't been an asked-and-answered objection. I

1 will allow it.

2 So the pending question is: What, if anything, did
3 Mr. McLaurin say about children playing in the bathroom
4 with water on the floor?

5 MR. DIAMOND: Yes.

6 INTERPRETER RAJAB MOHAMED: He said he came to
7 him one time, and he explained to him -- the main issue,
8 he told him, the kids cannot take a shower, and he has
9 some plastic; we call it (foreign language spoken).
10 They have something familiar for (foreign language
11 spoken). I'm sorry. Your Honor is familiar for
12 (foreign language spoken). They call it (foreign
13 language spoken) in Arabic, and they start -- he start
14 to move it, and they told him the kids cannot every time
15 take a shower and be in the bathroom like this. So the
16 whole idea is not about leaking. It is about make him
17 and his kids not comfortable.

18 BY MR. DIAMOND:

19 Q Did you ever go into the bathroom with him to see
20 the water all over the floor?

21 A I never go with him. He always go inside, and he
22 go to the bathroom and he come out of the bathroom and
23 yelling to all of us.

24 Q And you never asked, you know, what are you talking
25 about?

1 A Sometime I ask him, "Why are you yelling?" He
2 said, "Your kids are filthy. They have a lot of mess in
3 the bathroom. They have a lot of mess on the floor."

4 Q A lot of what on the floor?

5 THE COURT: Mess.

6 INTERPRETER RAJAB MOHAMED: Mess. I'm sorry.
7 Mess or dirt or --

8 MR. DIAMOND: All right.

9 BY MR. DIAMOND:

10 Q And on one occasion that he came in, were you there
11 when he pulled one of your children out of the window?

12 MS. BATTERSON: Objection.

13 THE COURT: Basis? Basis?

14 MS. BATTERSON: Yes. Surprise. I have never
15 heard this fact as a result of any discovery or
16 deposition or -- previously.

17 THE COURT: So if there -- there needs to be a
18 good-faith basis for every question. I will assume
19 there is one, and we will take the answer.

20 So the question, Have you ever seen Mr. McLaurin
21 pull one of your children from a window?

22 Do I have that right?

23 MR. DIAMOND: Correct, your Honor.

24 THE COURT: Yes. Please.

25 A No, no, no.

1 He ask me how he would take out -- my son from the
2 window.

3 MR. DIAMOND: I didn't say it was a son, first
4 of all.

5 INTERPRETER RAJAB MOHAMED: Children.

6 MR. DIAMOND: Child.

7 INTERPRETER RAJAB MOHAMED: Yes, the child.
8 Yes.

9 BY MR. DIAMOND:

10 Q So he is not aware of the incident when his child
11 was hanging out the window --

12 MS. BATTERSON: Objection.

13 Q -- and Michael came up and pulled him out?

14 THE COURT: The objection's sustained. And if
15 this turns out to be impeachment, it can be done in
16 another way. You have already asked this question.

17 MR. DIAMOND: This may be a repeat,
18 your Honor, because I just --

19 BY MR. DIAMOND:

20 Q So you are not aware of his coming into the
21 apartment to get one of your children out of the window?

22 MS. BATTERSON: Same objection.

23 THE COURT: I will allow it for now.

24 INTERPRETER RAJAB MOHAMED: Ask?

25 THE COURT: Yes.

1 INTERPRETER RAJAB MOHAMED: He doesn't know.

2 MR. DIAMOND: When he spoke about Mr.
3 McLaurin's taking food out of the shelf, was he aware
4 that it was raw food and not dry food?

5 INTERPRETER RAJAB MOHAMED: The dry food was
6 from the shelf. He move it. It was dry food. But the
7 other food, it was in the refrigerator.

8 BY MR. DIAMOND:

9 Q When were you out of the country, in Sudan, having
10 a phone conversation with your wife that you overheard
11 yelling?

12 INTERPRETER RAJAB MOHAMED: You said when?

13 THE COURT: So the question is, When were you
14 outside the country in the Sudan when you heard the
15 yelling on the telephone call with your wife?

16 INTERPRETER RAJAB MOHAMED: It was September
17 2016 because he takes three months over there, and he
18 came back by the end of October.

19 I try to explain the end of October by Arabic
20 months. We call it (foreign language spoken). He said
21 yes, it was 27. 27 of October when he come back.

22 MR. DIAMOND: So he was gone for three months.

23 THE WITNESS: (In English) Yes.

24 BY MR. DIAMOND:

25 Q And this was in 2016?

1 A (In English) Yes.

2 Q And I assume, but correct me if I am wrong, that if
3 you work all night, that you must sleep during part of
4 the day?

5 A When I come, I take my kids, I bring them to the
6 school, and after I bring them to the school, I --

7 INTERPRETER RAJAB MOHAMED: He will sleep
8 until he go back, pick up his kids from school. And
9 sometimes his kids, they have doctor appointment, he has
10 to give --

11 Sometime -- he was asking -- he repeats the word of
12 sometime. Sometimes he has a doctor -- his kids have a
13 doctor appointment, and he has to bring them to the
14 doctor.

15 MR. DIAMOND: So if he takes a child to a
16 doctor's appointment, who is left watching the remainder
17 of the children?

18 THE WITNESS: (In English) The kids are in
19 school.

20 MR. DIAMOND: They never have doctor
21 appointments after school?

22 INTERPRETER RAJAB MOHAMED: He like to do it
23 during the school.

24 MR. DIAMOND: I see.

25 BY MR. DIAMOND:

1 Q Could you tell us what material the shower curtain
2 was that got removed?

3 A It was -- has to cover. One plastic and the other
4 one curtain.

5 Q One was plastic?

6 A Yes.

7 Q And what was the other?

8 A Light material.

9 Q Light material.

10 MR. DIAMOND: Excuse me, your Honor. I will
11 just check.

12 (Brief pause.)

13 MS. BATTERSON: I don't have any redirect if
14 they're -- we're not sure they're done.

15 Okay. Thanks.

16 BY MR. DIAMOND:

17 Q Mr. Al-Basha, you are not on the lease, are you?

18 THE COURT: So you don't have a time period
19 now either. You are talking about the present?

20 MR. DIAMOND: No. I'm sorry. You're correct,
21 your Honor.

22 BY MR. DIAMOND:

23 Q When you stayed at Front Street, were you on the
24 lease?

25 A No.

1 Q Okay. And --

2 A I don't remember.

3 MR. DIAMOND: I'm sorry. What was the -- did
4 he answer --

5 INTERPRETER RAJAB MOHAMED: He said no. And
6 then he says he doesn't remember. He is not for sure.
7 He said three words.

8 MR. DIAMOND: I understand.

9 INTERPRETER RAJAB MOHAMED: (Foreign language
10 spoken.)

11 COURT REPORTER: No, no. Not in Arabic,
12 please. Not in Arabic.

13 INTERPRETER RAJAB MOHAMED: I will say it in
14 English.

15 THE COURT: Yes, you already translated.
16 We're set. And he might ask another question.

17 BY MR. DIAMOND:

18 Q Do you recall signing a lease with Mr. McLaurin?

19 A No.

20 MS. BATTERSON: Objection.

21 THE COURT: Basis?

22 MS. BATTERSON: I have never seen those
23 before. I have no idea what they are.

24 THE COURT: So you needed to show those to
25 Miss Batterson. Why didn't you?

1 MR. DIAMOND: I apologize, your Honor. I have
2 no idea why I didn't.

3 THE COURT: Okay. That may not be good enough
4 to keep them in evidence.

5 MS. BATTERSON: I didn't hear the answer. I'm
6 sorry.

7 THE COURT: So I told you both to disclose
8 exhibits. I have a hard time believing these are for
9 impeachment purposes, which I didn't require you to
10 disclose.

11 I asked Mr. Diamond why he had not shown them to
12 you. He candidly told me that he doesn't know why he
13 didn't show them to you. I told him that he could go
14 forward, but that did not mean that the exhibits would
15 come in because they hadn't been disclosed. It just
16 means that for the time being, I will let the question
17 be asked, and we will go from there.

18 MS. BATTERSON: Thank you.

19 MR. DIAMOND: I just became aware of them,
20 your Honor.

21 These -- well, you have seen them now.

22 MS. BATTERSON: Yes.

23 MR. DIAMOND: I don't know if there's an
24 objection pending.

25 BY MR. DIAMOND:

1 Q Does the witness recognize these?

2 A Yes.

3 Q They were --

4 THE COURT: So let's have an identification
5 for the record. They're exhibits -- what?

6 MR. DIAMOND: I'm sorry, your Honor.

7 Exhibit I6, which is Defendant's Exhibit I6.

8 COURTROOM DEPUTY: You have an I6 already.

9 MR. DIAMOND: They will be I7 and I8. The
10 pink one will be I8 and the green one I7.

11 THE COURT: Yes.

12 INTERPRETER RAJAB MOHAMED: Can I say
13 something out of the order, please?

14 THE COURT: Um, I --

15 INTERPRETER RAJAB MOHAMED: It will help you,
16 help all of you.

17 THE COURT: It will help all of us? All
18 right. Go ahead.

19 INTERPRETER RAJAB MOHAMED: It is about the
20 religion. I am the (unintelligible) for the Muslim
21 society --

22 THE COURT: Oh, no. So I know -- actually
23 know quite a bit about what you are going to be telling
24 me, about absolutions --

25 INTERPRETER RAJAB MOHAMED: You have to

1 wash --

2 THE COURT: Sure.

3 INTERPRETER RAJAB MOHAMED: You have to wash
4 when you go to bathroom.

5 THE COURT: Yeah.

6 INTERPRETER RAJAB MOHAMED: Part of the
7 religion, you have --

8 THE COURT: So -- so I don't want you to do
9 that because --

10 INTERPRETER RAJAB MOHAMED: Okay.

11 THE COURT: -- I don't want you to step out of
12 the role of the interpreter. So that's something that
13 the witnesses and the attorneys will explore, but you
14 don't need to offer. So I understand exactly your
15 concern, but don't worry about that.

16 INTERPRETER RAJAB MOHAMED: Okay.

17 THE COURT: Okay?

18 INTERPRETER RAJAB MOHAMED: Okay.

19 BY MR. DIAMOND:

20 Q Did you ever see your children playing with those
21 in the bathroom?

22 A (In English) There is no play with those.

23 INTERPRETER RAJAB MOHAMED: He said they don't
24 play with those. This is after they use the bathroom,
25 they have to wash themselves by those. You cannot just

1 be understand of.

2 BY MR. DIAMOND:

3 Q So the answer to my question is, you never saw them
4 playing with those --

5 A (In English) No.

6 Q -- on the floor --

7 A (In English) No.

8 Q -- in the bathroom?

9 INTERPRETER RAJAB MOHAMED: He said no.

10 (Witness speaking foreign language.)

11 THE COURT: So wait till there's a question.

12 You have to wait for a question before you give an
13 answer.

14 MR. DIAMOND: Your Honor, I only have one more
15 question. That has to do where he actually works.

16 Is it called the Janitor Company? Or what is the
17 name of the place he works?

18 INTERPRETER RAJAB MOHAMED: Janitech Company.

19 MR. DIAMOND: Can he spell that?

20 THE WITNESS: (In English) J-A- --

21 INTERPRETER RAJAB MOHAMED: J like John, N
22 like Nancy, T like some, C like cat, K like king.

23 MR. DIAMOND: Thank you, your Honor.

24 THE COURT: Miss Batterson? Any redirect?

25 MS. BATTERSON: Just one question.

1 REDIRECT EXAMINATION

2 BY MS. BATTERSON:

3 Q Hassan, you said earlier that now, where your
4 children live, not at Front Street, now they moved, they
5 play outside; is that right?

6 A Yes.

7 Q Does anybody yell at the children when they play
8 outside now?

9 A No.

10 Q I believe you also said that Mr. McLaurin now lives
11 very close by where Binti lives now?

12 A Yes. He is my neighbor.

13 Q So why are the children not afraid to go outside
14 now?

15 A Because we don't live in the same building that he
16 own.

17 MS. BATTERSON: Those are all the questions I
18 have, your Honor.

19 THE COURT: Any recross?

20 MR. DIAMOND: No, your Honor.

21 THE COURT: All right. Thank you, sir.

22 THE WITNESS: (In English) No problem.

23 THE COURT: And thank you very much for your
24 services.

25 INTERPRETER RAJAB MOHAMED: You're welcome. I

1 apologize for my accent. I try to do my best.

2 THE COURT: You did fine.

3 INTERPRETER RAJAB MOHAMED: Thank you.

4 THE COURT: We are going to take a break at
5 this time -- it's our midmorning break -- approximately
6 10 minutes.

7 Anything to bring to my attention before we break?
8 All right.

9 (Court was in recess at 10:53 a.m.)

10 (The following was held in open court at 11:08 a.m.)

11 THE COURT: We are back on the record in
12 Mohamed versus McLaurin, and, Miss Batterson, you may
13 call your next witness.

14 MS. BATTERSON: I'm calling the plaintiff,
15 Binti Mohamed.

16 THE COURT: All right. So we will have her
17 come forward.

18 So we will first take up her interpreter or I
19 should say our court's interpreter --

20 (Mohamed Ali Abdullahi was sworn as Mai mai
21 interpreter for the court.)

22 THE COURT: Would you take a step behind the
23 microphone so I can ask you some questions about your
24 qualifications.

25 Have you served as an interpreter previously?

1 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

2 THE COURT: And can you tell me a little bit
3 about that?

4 INTERPRETER MOHAMED ALI ABDULLAHI: I used to
5 interpret over 15 years in the refugee camps for the
6 UNCR staff, and also in Vermont from 2010 up to now.

7 THE COURT: All right. So tell me a little
8 bit about the first interpretation you did. You did it
9 for what agency?

10 INTERPRETER MOHAMED ALI ABDULLAHI: I did
11 for -- in Vermont from 2010 to now, but before that I
12 used to interpret for UNCR for a year and a half in
13 Kenya refugee camps.

14 THE COURT: UNCR?

15 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

16 THE COURT: And what languages were you
17 interpreting to and from?

18 INTERPRETER MOHAMED ALI ABDULLAHI: English,
19 Somali, Mai mai.

20 THE COURT: All right. And then for Vermont
21 Refugee Resettlement Committee -- Program, what kind of
22 interpretations are you doing?

23 INTERPRETER MOHAMED ALI ABDULLAHI: Medical
24 interpreter and court interpreter.

25 THE COURT: Tell me about how many times you

1 have interpreted as a court interpreter.

2 INTERPRETER MOHAMED ALI ABDULLAHI: Since 2010
3 up to now, every other day I interpret.

4 THE COURT: So hundreds of times?

5 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

6 THE COURT: And where did you learn your
7 English?

8 INTERPRETER MOHAMED ALI ABDULLAHI: In Kenya.

9 THE COURT: And have you been certified as an
10 interpreter?

11 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.
12 In -- in here. I went for training, I guess.

13 THE COURT: And you interpreted in federal
14 court before?

15 INTERPRETER MOHAMED ALI ABDULLAHI: Not
16 federal court.

17 THE COURT: Any questions about the
18 interpreter's qualifications from the defendant?

19 MR. DIAMOND: No, your Honor.

20 THE COURT: How about you, Miss Batterson?

21 MS. BATTERSON: No, your Honor.

22 THE COURT: I find you qualified. I am going
23 to give you the same instruction, is to interpret the
24 answers and the questions. Don't add anything; don't
25 subtract anything. If there's something wrong with the

1 answer or it doesn't answer the question, it's the
2 attorney's job to fix it. All right?

3 INTERPRETER MOHAMED ALI ABDULLAHI: Your
4 Honor, I will use first-person pronoun. That's what I
5 am interpreting.

6 THE COURT: Because you are interpreting for a
7 female, or you are going to do that anyway?

8 INTERPRETER MOHAMED ALI ABDULLAHI: I am going
9 to do it anyway. I will use it -- to make it easier, I
10 will use first-person pronoun.

11 THE COURT: First-person pronoun, so you are
12 going to say "I" --

13 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

14 THE COURT: -- as opposed to --

15 INTERPRETER MOHAMED ALI ABDULLAHI: That's
16 fine.

17 THE COURT: We will have you come over here,
18 and then we are going to swear in the witness. And you
19 are going to interpret the oath for the witness.

20 BINTI MOHAMED,

21 having been duly sworn by the courtroom deputy,
22 was examined and testified through the interpreter
23 as follows:

24 DIRECT EXAMINATION

25 BY MS. BATTERSON:

1 Q Binti, where were you born?

2 A I was born in Somalia.

3 Q And did you leave Somalia?

4 A Yes.

5 THE COURT: So here's what has to happen. You
6 need to speak up and then he will speak up, and we will
7 be fine.

8 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

9 BY MS. BATTERSON:

10 Q When did you leave Somalia?

11 A 1992.

12 Q How old were you?

13 A I was four years old.

14 Q Where did you go from there?

15 A I came to Kenya.

16 Q Did you leave Kenya?

17 A Yes.

18 Q How old were you when you left Kenya?

19 A I was 21 years old.

20 Q And where did you go?

21 A I went to Arizona.

22 Q Did you leave Arizona?

23 A Yes.

24 Q How old were you when you left Arizona?

25 A 26 or 25.

1 Q And where did you go?

2 A I came to Vermont.

3 Q Do you have children?

4 A Yes.

5 Q How old is your oldest child?

6 A 19 years old.

7 Q And is that a boy or a girl?

8 A Boy.

9 Q Sorry?

10 INTERPRETER MOHAMED ALI ABDULLAHI: It's a
11 boy.

12 BY MS. BATTERSON:

13 Q What is his birthdate?

14 A September 28th, 1999.

15 Q And what are his initials, the initials to his
16 name?

17 A HMK.

18 Q How old is your next oldest child?

19 A February 9th he is going to be 16.

20 Q And what are his initials?

21 A ZOK.

22 Q Your son, that's your second youngest -- second
23 oldest son, his first initial is what?

24 A AOA.

25 INTERPRETER MOHAMED ALI ABDULLAHI: I'm sorry.

1 MS. BATTERSON: Okay.

2 BY MS. BATTERSON:

3 Q How old is your next oldest child?

4 A She's 12.

5 Q And what's her birthdate?

6 A February 2nd, 2017.

7 Q And what are her initials?

8 A KHK.

9 Q How old is your next oldest child?

10 A 11 years old.

11 Q And is this a boy or a girl?

12 A A boy.

13 Q What are his initials?

14 A FHK.

15 Q And what is his birthdate?

16 A December 23, 2017.

17 Q How old is your next oldest child?

18 A Nine years old.

19 Q Is that a boy or a girl?

20 A He is a boy.

21 Q And what are his initials?

22 A MHK.

23 Q And what is his date of birth?

24 A September 31, 2009.

25 Q How old is your next oldest child?

1 A Eight years old.

2 Q And is that a boy or a girl?

3 A A girl.

4 Q And what are her initials?

5 A SHK.

6 Q And what is her birthdate?

7 A November 22nd, 2010.

8 Q How old is your next oldest child?

9 A Five years old.

10 Q And is that a boy or a girl?

11 A It's a girl.

12 Q And what are her initials?

13 A SHK.

14 Q What is her birthdate?

15 A August 8, 2013.

16 Q Do you have any more children?

17 A Yes.

18 Q And is that a boy or a girl?

19 A It's a girl.

20 Q And what are her initials?

21 A ZHK.

22 Q And what is her birthdate?

23 A April 4, 2018.

24 Q Did ZHK, your youngest daughter -- did ZHK live
25 with you at Front Street?

1 A No. I was pregnant.

2 Q Did all of your other children live with you when
3 you lived at Front Street?

4 A Yes.

5 Q I see that your hair is -- your head is covered.
6 Why is that?

7 A Yes. I'm Muslim. That's my culture. I have to
8 cover my head and my body all.

9 Q Are your children also Muslim?

10 A Yes.

11 Q How long have you been Muslim?

12 A I was born in a Muslim family, and I was a Muslim
13 since I was brought up to now, and my family all
14 practice in Muslim, so I am a Muslim for all my life.

15 Q What age were you when you started covering your
16 head?

17 A Three years old.

18 Q Have you ever in your life stopped covering your
19 head?

20 A No.

21 Q When do you have to cover your -- start again.

22 Do you have to cover your head all the time?

23 A Whenever I'm going out, I have to cover my head.

24 Q Why is that?

25 A It's part of our culture. Whenever we go out, we

1 cover ourselves. If stranger comes to the house, we
2 have to do the same thing. But when I am with my kids,
3 that's the only time I don't have to cover it.

4 Q Do your daughters also cover their head?

5 A Yes.

6 Q And what age did you start having them cover their
7 head?

8 A By the time they're three years, they have to
9 practice how to use it, so I started with it at two
10 years.

11 Q Do you wear shoes inside your house?

12 A No. I put them by the door so we don't come with
13 our shoes inside at all.

14 Q Why do you do that?

15 A Because we pray there, I pray there, everybody
16 prays there, so we don't come with the shoes. It's --
17 we pray everywhere in the house, so that's why we put
18 the shoes out.

19 Q Are you a woman?

20 INTERPRETER MOHAMED ALI ABDULLAHI: Can you
21 say that again, please. I didn't understand that,
22 please.

23 BY MS. BATTERSON:

24 Q Binti, are you a woman?

25 A Yes.

1 MS. BATTERSON: I want to ask the interpreter
2 not to interpret what I am going to say next. I want to
3 talk in English with Binti.

4 THE COURT: So we -- this is not what we do.
5 Let's have an offer as to why the Court should allow
6 this.

7 MS. BATTERSON: I want to show that she does
8 speak some English.

9 THE COURT: Just ask her about that. Just ask
10 her how much. I do it, I think, every day with English
11 proficiency: How much do you read? How much do you
12 speak? How much do you understand?

13 MS. BATTERSON: Okay.

14 BY MS. BATTERSON:

15 Q How much English can you understand?

16 A I understand a little bit of English, but I -- if
17 there's a lot of sentence, I don't understand. I
18 understand a little English.

19 Q Do you work?

20 A Yes.

21 Q What kind of work do you do?

22 A Cleaning.

23 Q Does your supervisor tell you what to do at work?

24 A Yes.

25 Q Do you understand what your supervisor tells you to

1 do?

2 A I understand well.

3 Q How much English can you speak?

4 A I can understand what someone gives me an
5 instruction, like, for example, my supervisor. I know
6 if someone asks me questions, I can answer them.

7 Q Can you -- you can answer the questions in English?

8 A Yes, if I -- if I ask question, yes, I can answer.

9 Q Can you read English?

10 A No.

11 Q Can you read Mai mai?

12 A No, I can't read Mai mai.

13 Q Can you write?

14 A No.

15 Q Can you write in English?

16 A I can only write my name.

17 Q Did you rent an apartment from Mr. McLaurin located
18 on Front Street in Burlington?

19 A Yes.

20 Q What was your relationship with Mr. McLaurin like?

21 A Can you tell me a little bit about what you mean,
22 "the relationship"? Do you mean when I rent his house
23 or when I was out? What do you mean by relationship?

24 Q During the time that you lived at Front Street,
25 what was your relationship with Mr. McLaurin?

1 A Mr. McLaurin, when I rent his apartment, our
2 relationship was bad.

3 Q Can you describe what you mean by it was bad.

4 A If I start for you, I rent his apartment much --
5 March 3rd, 2016.

6 Q And when did you leave that apartment?

7 A February 2018.

8 Q While you were -- sorry.

9 You said your relationship was not good when you
10 lived at Front Street. Tell me what you mean by that.

11 A So I start with what I move. I came in at 12
12 o'clock, and I brought my stuff in the room.

13 Q Are you describing when you first came to the
14 apartment?

15 A Yes.

16 Q When you first moved into Front Street?

17 A Yes.

18 Q Okay. You came at 12 o'clock, and then what
19 happened?

20 A So the following morning was a Monday, and the kids
21 have to go to school, and I tell them to brush their
22 teeth, and they are in the sink in the bathroom.

23 Give me a second.

24 INTERPRETER MOHAMED ALI ABDULLAHI: Okay. She
25 said, "I'm waiting for the second question you asking

1 me."

2 MS. BATTERSON: Okay.

3 BY MS. BATTERSON:

4 Q The morning you woke up, the kids went to brush
5 their teeth is what you said; is that right?

6 A Yes.

7 Q And then what happened?

8 A When everyone goes to school, and then I left to --
9 to my work.

10 Q And then what happened?

11 A Then before I left, I checked at the sink, and I
12 saw some drops of water, but I thought that's the --
13 when kids were brushing their teeth, maybe something
14 comes up from there. That's what I thought at the time.

15 Q What did you do with the drops of water?

16 A I get a towel and just clean up, dry it, and get
17 out. And when I come back, then I saw again the same
18 thing, same water comes out.

19 Q When did you come back? Was it after work or the
20 same morning?

21 A So after I clean up, I had to go back because I was
22 getting ready to work. I went back to the bathroom.

23 Q And then what happened?

24 A So I went back there and opened the cabinet down
25 and looked underneath it, if there's anything going, and

1 I have seen a lot of leaking, but I don't know where it
2 was coming from.

3 Q When you say the cabinet, which cabinet are you
4 talking about?

5 A Under the sink.

6 Q And so you opened the cabinet doors, and you
7 couldn't see where the leak was happening?

8 A I saw where the drops of water coming, but I don't
9 know. I don't understand it. I get my trash can, and I
10 put it there so there would not be a flood there. I put
11 my trash can there, and then left to my work.

12 Q What happened next?

13 A At nine o'clock, it was my break time, and I called
14 Mr. McLaurin. I had his phone, and I called him.

15 Q What did you say?

16 A (In English) I say, "Mr. McLaurin. The bathroom
17 sink is the leak."

18 THE COURT: So that's fine. She's answering
19 it in English and we'll just indicate that.

20 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

21 COURT REPORTER: Okay, go ahead. Ask her
22 again. I wrote the answer.

23 MS. BATTERSON: Okay.

24 BY MS. BATTERSON:

25 Q Okay. Then what happened?

1 COURT REPORTER: "What did you say?"

2 MS. BATTERSON: Oh, I'm sorry.

3 COURT REPORTER: "What did you say?"

4 THE WITNESS: (In English) I say to Mr.
5 McLaurin, "The sink bathroom where the children brush is
6 there leaking there, but a lot of leaking. Please call
7 me back. This is Binti. Please call me back." He
8 didn't call me back.

9 BY MS. BATTERSON:

10 Q Okay. Then what happened?

11 A I came back home. I saw nothing was done. I
12 called him back again. I get a message, left him again.
13 I call again. I called two times at home.

14 Q Then what happened?

15 A He came the following morning with a paper, and he
16 told me. I didn't know what the paper was talking
17 about. He asked me to sign if I want to fix here.

18 Q And what did you say?

19 A I tell him I'm not going to sign this paper.

20 Q Why not?

21 A Because I don't understand what was in the paper.
22 I don't read, so I didn't know what the paper was
23 talking about.

24 Q Did Mr. McLaurin tell you what the paper was about?

25 A He told me, "Your kids has broken there, so you

1 need to sign this saying that the kids have broken."

2 Q The kids have broken what?

3 A The sink.

4 Q What happened next with the sink?

5 A Can you ask me again that question?

6 Q What happened next with the sink?

7 A It was still leaking.

8 Q And did you keep the trash can underneath the sink?

9 A Yes. I put the whole night, and in the morning I
10 empty it, and when I go to work I again put it back
11 there.

12 Q Did you ever forget to empty the bucket?

13 A Yes. I forget one day.

14 Q And what happened?

15 A So the trash can overflow after where there was
16 water on that floor.

17 Q And do you know what happened to the water?

18 A Yes. I know, because I forget to empty the trash
19 can. That's what happened.

20 Q Did Mr. McLaurin talk to you about the water coming
21 out of the bucket?

22 A Yes. It was nine o'clock, at my break; he called
23 me and he left me a message.

24 Q And what did he say?

25 A He told me that my kids did that water there, the

1 ones who did the water; not this -- the leak water.

2 Q In his message, how was Mr. McLaurin talking?

3 A Even myself, I confuse when I hear his voice. It
4 was -- he was saying the water was coming from the
5 shower, but no one was at my home at that time. I was
6 the last one that left, so I was confused when he told
7 me the water was coming through the shower.

8 Q Do you know if Mr. McLaurin fixed anything in the
9 apartment because of water leak?

10 A No.

11 Q Did he fix your sink?

12 A No. I left. It was still leaking when I left.

13 Q Did Mr. McLaurin ever charge you for damage for the
14 leak?

15 A Yes.

16 Q What was he charging you for?

17 A So that day when I empty the bucket, the water went
18 to the downstairs, so he had to fix something in the
19 downstairs, so he charged me whatever he fix in the
20 downstairs.

21 Q Did you pay what he charged?

22 A No.

23 Q Did Mr. McLaurin ever come into your apartment when
24 you lived at Front Street?

25 A He was coming in like it was his house.

1 Q How often did he come into the apartment?

2 A He came a lot of times, but there was specific days
3 that I want to tell you about it.

4 Q Okay. Right now I just want to know, did he come
5 once a month? Once every three months? How often?

6 A Mr. McLaurin was coming five times or more than
7 that in a day.

8 Q Every day?

9 A Every day, yes.

10 Q Did he come into the apartment, into your
11 apartment, five times every day?

12 A So there was one day I was off, and I know he
13 usually come every day. Hassan is at home, and he
14 always comes home, but there was a day I was off, and my
15 baby had an appointment, and he came.

16 Q What happened on that day?

17 A So I was getting ready for that appointment, and my
18 little daughter, she always is scared. She doesn't stay
19 alone. I was in the bathroom. She followed me into the
20 bathroom. We have a little chair that the kids --
21 they're -- usually have on in the bathroom, so she was
22 sitting in there with me there, and I was in the shower,
23 and Mr. McLaurin come in.

24 THE COURT: So I am going to ask a different
25 question. This is a bench trial.

1 She said he came five times or more every day. Was
2 this while she was in the apartment or when her husband
3 was in the apartment?

4 INTERPRETER MOHAMED ALI ABDULLAHI: Excuse me,
5 your Honor. You mean Binti's apartment; is that
6 correct?

7 THE COURT: Right. Binti's apartment. She
8 testified that Mr. McLaurin came five times or more
9 and -- in a day, and then Miss Batterson asked her every
10 day? And she said every day. And I am asking her when
11 she was in the apartment or when her husband was in the
12 apartment? So five times a day when she was there or
13 when she was not there?

14 THE WITNESS: Yes. When I'm not -- when I am
15 at work, he is always at home, so he was -- my husband
16 was at home.

17 MR. DIAMOND: Move to strike, your Honor. The
18 answer was not hers. She was relating something that
19 her husband told her.

20 THE COURT: Yes. So I am going to strike it.
21 We are going to have a new question that identifies
22 personal knowledge as opposed to something that she
23 heard from somebody else. So I am striking the five
24 times or more in a day every day, and we are going to
25 have a better understanding of the basis.

1 BY MS. BATTERSON:

2 Q Binti, what time do you get home from work when
3 you -- sorry.

4 When you lived at Front Street, what time would you
5 get home from work?

6 A So my work was not close to my house. I sometime
7 come at 4:30 and sometimes four o'clock.

8 Q Sometimes at what and sometimes at four?

9 INTERPRETER MOHAMED ALI ABDULLAHI: Sometimes
10 4:30 and other time four.

11 MS. BATTERSON: Thank you.

12 BY MS. BATTERSON:

13 Q Did Mr. McLaurin ever come in after 4:30?

14 A Every time when I come, I always see him in the
15 parking lot.

16 Q Okay.

17 MR. DIAMOND: Strike. That's not responsive
18 to the question, your Honor.

19 THE COURT: Well, it's partially responsive in
20 that it doesn't cover the apartment, but it does cover
21 when she sees him in the parking lot. I am going to
22 allow it to stand.

23 MR. DIAMOND: Okay.

24 BY MS. BATTERSON:

25 Q Did Mr. McLaurin ever come into your apartment

1 after 4:30 in the afternoon, after you were home, when
2 you were there?

3 A He came at five, he comes at six, and he doesn't
4 even knock the door. He doesn't call me. He just
5 coming into the apartment, and many times I tell him,
6 "Please, when you come into my apartment, can you call
7 me."

8 Q He didn't -- are you saying he didn't call you?

9 A No, he never called me. He never send me a notice.
10 I am the one who ask him to call me when he is coming to
11 my apartment.

12 Q Do you work -- when you lived at Front Street, did
13 you work on the weekend?

14 A No.

15 Q Did Mr. McLaurin ever come into your apartment on
16 the weekend?

17 A Yes.

18 Q I want to ask you again, how often did Mr. McLaurin
19 come into your apartment? Not the parking lot. Into
20 your apartment at Front Street.

21 MS. BATTERSON: Hold it. Sorry.

22 I want to know when did -- she saw Mr. McLaurin
23 come into her apartment.

24 A It was six o'clock, and he never called me. I
25 never ask him to come. He just came in. He never asked

1 me to come. He just come into my home.

2 THE COURT: So I want you to listen to the
3 question, because you need to answer that question.

4 She asked you, how many times did you see Mr.
5 McLaurin come into your apartment? How many times did
6 you personally see Mr. McLaurin come into the apartment?
7 Into the apartment. Not the parking lot, but the
8 apartment.

9 THE WITNESS: I saw him three times.

10 THE COURT: Is this a logical breaking point?

11 MS. BATTERSON: It's fine.

12 THE COURT: Okay. We are going to have a
13 proceeding here at noon. You can leave your stuff where
14 it is, but there will be other attorneys at your bench,
15 so if you need to put something away, please do so.

16 Anything to bring to my attention before we take a
17 break?

18 MS. BATTERSON: I don't think so.

19 MR. DIAMOND: Excuse me, your Honor. When do
20 we reconvene?

21 THE COURT: Oh, sorry.

22 MS. BATTERSON: Yes.

23 THE COURT: We will take a lunch break. So
24 it's just about noon, and we will be back here at one.
25 The other proceeding will take -- we have the attorneys

1 here, and I'm saying 15 to 20 minutes, maybe a half an
2 hour. Right?

3 Okay. Thank you.

4 (Court was in recess at 11:54 a.m.)

5 (The following was held in open court at 1:07 p.m.)

6 THE COURT: We are back on the record in
7 Mohamed versus McLaurin. We have Binti Mohamed on the
8 witness stand. She is still under, and we are in
9 Ms. Batterson's direct examination.

10 And you may proceed.

11 CONTINUED DIRECT EXAMINATION

12 BY MS. BATTERSON:

13 Q Binti, when you lived at Front Street, were all of
14 your children younger than 18?

15 A Yes.

16 Q And your oldest son, when did he turn -- how old
17 was he when you moved out?

18 A He was 17 when I was moving out.

19 Q Before the break, we were talking about times that
20 you saw Mr. McLaurin come into the apartment. How many
21 times did you see Mr. McLaurin --

22 MR. DIAMOND: Asked and answered, your Honor.

23 THE COURT: Sustained. So, no, you don't need
24 to ask that question because I sustained the question.
25 She is going to ask a different question.

1 BY MS. BATTERSON:

2 Q How did Mr. McLaurin behave when he came into your
3 apartment?

4 A His behavior was so bad.

5 Q Please, can you describe what you mean.

6 A Either in my culture or American culture, when you
7 come into one's house, you have to knock before someone
8 is coming in.

9 Q And did Mr. McLaurin knock before he came in?

10 A He doesn't knock on the door, he doesn't call me
11 over the phone, and he doesn't send me a notice.

12 Q How did he get inside your apartment?

13 A He has a key, and he gets in; and if I tell a
14 little bit about him, it looks like -- I know that's his
15 apartment, he owns, but I rent it as a tenant. He
16 doesn't look my dignity. He just has his key and coming
17 in.

18 Q Did Mr. McLaurin take off his shoes when he came
19 into your apartment?

20 A No. No. On my witness to when he comes, I never
21 see him remove his shoes.

22 Q What tone of voice did Mr. McLaurin use when he
23 came into your apartment?

24 A The tone was so bad.

25 Q Can you describe that.

1 A Do you want me to tell you the way he talks to me,
2 or I want to -- I want you to (unintelligible)
3 something. What do you want me to say?

4 Q What -- how -- what -- was Mr. McLaurin quiet or
5 loud when he came in?

6 A He never been low. He always be loud when he was
7 coming in.

8 Q And was -- could you tell what he -- was he -- his
9 mood was? What was his mood when he came in?

10 MR. DIAMOND: Objection, your Honor.

11 THE COURT: Don't answer.

12 Sustained.

13 BY MS. BATTERSON:

14 Q Was Mr. McLaurin yelling when he came into your
15 apartment?

16 MR. DIAMOND: Leading question, your Honor.

17 THE COURT: Sustained.

18 So you can ask what was his demeanor, and then
19 let's move on to a new topic.

20 BY MS. BATTERSON:

21 Q What was Mr. McLaurin's demeanor when he came into
22 your apartment?

23 INTERPRETER MOHAMED ALI ABDULLAHI: Your
24 Honor, the word "demeanor," can you explain for me.

25 THE COURT: So what do you mean by demeanor?

1 Do you mean the way he acted? The way he conducted
2 himself? You provide a definition for the interpreter
3 for your question, and we will go from there.

4 BY MS. BATTERSON:

5 Q How did Mr. McLaurin act when he came into your
6 apartment, that you saw?

7 A When he came in, he looks -- he was angry. He
8 was -- the words he was using was angry the way he was
9 talking to me.

10 Q Can you describe the words that he was using.

11 A It was G-word and F-word that he was using.

12 Q When Mr. McLaurin came into your apartment when you
13 lived at Front Street, did he always have a good reason
14 to be there?

15 MR. DIAMOND: Objection.

16 THE COURT: Sustained.

17 So ask -- ask nonleading questions: What, if any,
18 reason did he give you for being there? What, if any,
19 reason did you understand he was there? Don't provide
20 the answer with the question.

21 MS. BATTERSON: I apologize, but I thought I
22 said, What words did he use?

23 THE COURT: You said, Did he provide you a
24 good reason for coming into the apartment?

25 MS. BATTERSON: Ah. I'm sorry.

1 BY MS. BATTERSON:

2 Q When Mr. McLaurin came into your apartment, did you
3 have -- did you understand why he was there?

4 A No. I don't know the reason why he came.

5 Q Did you ever see Mr. McLaurin talking to your
6 children?

7 A He never talked to my children in a good way. He
8 always tells them, "You're not allowed to play here,"
9 and even my son was running from him, he fell from the
10 stairs when he was coming up to run from him.

11 Q Did Mr. McLaurin ever see you without your hair
12 covered?

13 A No.

14 Q Did Mr. McLaurin ever come into your apartment late
15 at night?

16 A He came in the middle of night, and he knocked at
17 the door, and I wake up, and woke the dog. There was
18 street light out there, and I saw him going downstairs.
19 Mr. McLaurin. I saw him going down, going back to
20 downstairs.

21 Q What time was it?

22 A (In English) Two o'clock. Middle night.

23 Q Did Mr. McLaurin ever wake you up from inside your
24 apartment?

25 A Yes.

1 Q Describe that.

2 A One day he came early in the morning while we were
3 sleeping, my kids was, and I was not feeling well. They
4 ran from their bedrooms, and they were all sleeping with
5 me. They were sleeping. 15-years-old was sleeping on
6 the floor. And he -- Mr. McLaurin came to the house.
7 He didn't knock. He just come inside and yelling. I
8 waked up. I was sleeping. And then I waked up because
9 I was sick. I was sleeping the whole -- I was not
10 sleeping the whole night, so that's the time I slept,
11 and he woke me up.

12 Q How was -- when Mr. McLaurin woke you up, what
13 was -- how was he acting?

14 A He was yelling and angry and talking about the
15 shower, there was a leak coming from the shower. No one
16 inside yet. We didn't wake up. And when I went there,
17 I looked at the shower. It was dried. And he went away
18 also.

19 Q At this time when this incident that he -- that Mr.
20 McLaurin woke you up, were all of the children asleep?

21 A Yes.

22 Q Did Mr. McLaurin ever come into your apartment when
23 you were taking a shower?

24 A Yes.

25 Q Can you describe what happened.

1 A He came in one day. He didn't know I was there.
2 It was the regular day I used to work. But my daughter
3 had an appointment, and I didn't go to work. He just
4 come in, and I was in the shower, and my little daughter
5 was sitting on a yellow chair inside the bathroom, and I
6 was under the curtain there taking my shower.

7 Mr. McLaurin come in, came into the bathroom, and
8 he took off the curtain, and he looked at me. I was
9 naked. And I told him, "I'm naked. I am taking bath.
10 Please get out of here." And he told me, "This is my
11 apartment. I own the building."

12 Q How did you feel when that happened?

13 A Wait. Wait.

14 I feel bad because he is not my husband. He is not
15 in my family. I -- I'm his tenant. I know he belongs
16 the apartment, but I feel bad when he comes looking at
17 me naked in the shower. I feel bad."

18 Q Were there any other times that you -- that Mr.
19 McLaurin saw you not dressed?

20 A Yes.

21 Q Can you describe what happened.

22 A It was a Saturday morning. All my children, that
23 night, spent with their grandmom. I had my little
24 daughter, and we were preparing to go to my mother's
25 house. I was just come from the shower, putting on my

1 pants, one leg, and the other leg I didn't put it still,
2 and he just come in and stand beside me in the room
3 while I was naked, and I tell him, "Please, make him get
4 out of here. You don't see me. I'm naked," and he
5 said, "Young woman, this is my house." That's what he
6 told me.

7 Q That time that you had one leg in your pants and
8 Michael saw you, how did you feel?

9 A I felt terrible. I scared. And I have never seen
10 this kind of -- I never experienced. I scared. And I
11 feel terrible.

12 Q What were you afraid of?

13 A I scared because he is a man and I'm a woman. When
14 he sees me every time naked, I scared because he's a
15 man. He can rape me.

16 INTERPRETER MOHAMED ALI ABDULLAHI: Your
17 Honor, I am sorry. She added first time -- I forgot
18 that word -- she said, "I also cried."

19 THE COURT: Okay.

20 BY MS. BATTERSON:

21 Q Did Mr. McLaurin ever do anything to the food in
22 your home?

23 A Yes.

24 Q Can you describe what he did.

25 A When he comes, he never tells me. He never gives

1 me notice that he is going to inspect the house. He
2 just comes through. He goes to the kitchen. He drops
3 the dry food, which is on the shelf, rice, potatoes and
4 also onions are there, and he took them from the shelf
5 and put them on the floor. Plus all the utensils that I
6 use to cook also, he always put them on the floor too.

7 Q It sounds like you said "always." Did this happen
8 more than once?

9 A Yes. Sometimes I was there and I witnessed. The
10 other time I come four o'clock from the work, and I see
11 all this on the floor, and I always talk to my kids, and
12 my husband is -- like, "I'm tired. Why you guys do all
13 this stuff, putting on the ground?" They --

14 Sometimes he throws some food from the refrigerator
15 and he put it on the floor. Then I ask my children.
16 They said that Mr. Michael come and did it, and --

17 MR. DIAMOND: Objection, your Honor. Strike.
18 Motion to strike.

19 THE COURT: So motion to strike is granted,
20 and let's have the answer -- I only want you to testify
21 to what you saw; not what somebody told you, but what
22 you saw with your own eyes. And we will get the other
23 people to tell us what they saw.

24 THE WITNESS: It was three times that I was
25 there, and he did it, and he -- he dropped it there, and

1 I put it back. It happened three times that I was
2 there.

3 THE COURT: Three times or two times?

4 INTERPRETER MOHAMED ALI ABDULLAHI: Three.

5 THE COURT: Three.

6 BY MS. BATTERSON:

7 Q Did your children play outside at Front Street?

8 A They didn't have the freedom to play outside.

9 Q Why not?

10 A Because Michael yells at them when they go outside.
11 They don't go outside alone when they see the neighbors'
12 kids are playing, especially one of my son comes out and
13 play with them. So that's why they scared for Michael.
14 They can't play. One day he yell at my son. He was
15 running to the stairs upstairs. He fall. But nothing
16 happened to my son, but he fall on the stairs.

17 Q When your son fell on the stairs, was he upset?

18 A Yes. They scared. He scared. My son was crying
19 and scared. And also when I tell them let's go play
20 outside in the park, they always scared a lot, and they
21 can't walk alone. They say Mr. Michael's going to be
22 here, so.

23 Also I never go to counseling. My kids are now --
24 they see -- they meet with a counselor because of the
25 terrible experience they had.

1 MR. DIAMOND: Objection, your Honor.

2 THE COURT: Let's hear a basis first.

3 MR. DIAMOND: First, that she cannot testify
4 as to the basis for their going to counseling. There
5 are no expert witnesses been indicated. She -- she can
6 know that they go to counseling, when they started, how
7 often, but she can't testify as to what the basis of
8 their need for counseling. She's not a competent
9 witness to that.

10 THE COURT: Well, she might have been present,
11 but I'm a little bit concerned about how much overlap
12 there is with dismissed claims. So is there any claim
13 that the counseling is something that is a compensable
14 item of damages?

15 MS. BATTERSON: There is the claim -- it goes
16 to damages. I wasn't planning to get there at this
17 point in the testimony but the -- the fact of going to
18 counseling --

19 THE COURT: All right.

20 MS. BATTERSON: -- not the opinion about why.

21 THE COURT: Well, have you provided like the
22 counseling bills and the names of the therapists?

23 MS. BATTERSON: No.

24 THE COURT: Okay. So I am going to grant the
25 objection and strike the testimony about counseling.

1 And you may continue to ask her about -- I believe the
2 question was about the children playing and their
3 reaction to it, and we'll go from there.

4 BY MS. BATTERSON:

5 Q When your son fell on the stairs running, did he
6 say anything to you?

7 A There was not injury on my son, but he was scared.

8 Q Was there a refrigerator in your apartment at Front
9 Street?

10 A Yes.

11 Q Was there a refrigerator when you first moved in?

12 A Yes, there was a little one there.

13 Q Did the refrigerator work?

14 A Yeah. I have a Section 8, and they say that this
15 is a big family, so they need a bigger one, so they ask
16 him to change it.

17 Q Did he change it?

18 A Yes.

19 Q And did that refrigerator work?

20 A Yes. First time it was working, but it stopped
21 working later.

22 Q About how long did it work?

23 A After two months, it stopped working.

24 Q Did you tell Mr. McLaurin that it was not working?

25 A Yes.

1 Q And how did he respond?

2 A Mr. McLaurin sent someone and -- to fix it, and the
3 guy told me it's not fixable. It's not something he can
4 fix it.

5 Q Did you ask Mr. McLaurin to replace it?

6 A So all my food went bad. It was a smell in the
7 whole house because of the food inside the refrigerator.
8 And then I called the police after I call Mr. McLaurin
9 several times and he is not answering. I called the
10 police and show them what the problem was. They give me
11 a 211 number to call to get help. Then it was a
12 Saturday. They couldn't help me, but on the following
13 Monday, they paid for me a new refrigerator.

14 MR. DIAMOND: Excuse me, your Honor. I didn't
15 hear what happened on the following Monday.

16 THE COURT: So I am going to have a readback
17 because -- let's just make sure we get it correct. And
18 then whether you -- if you didn't understand it, you can
19 ask follow-up questions on cross.

20 (The last question and answer was read back by
21 the reporter.)

22 BY MS. BATTERSON:

23 Q Did that refrigerator stop working?

24 A Which refrigerator?

25 Q The new refrigerator from 211.

1 A Yes. It stopped one day. There was no power.
2 There was a rain, and then we were out of power that
3 day, and then it stopped working because there was not a
4 power there. When it comes back, my refrigerator didn't
5 work again.

6 Q Was it the whole refrigerator or part of the
7 refrigerator?

8 A The top -- the freezer top was working but the
9 bottom was not working.

10 Q And then what -- where did you keep -- what did you
11 do to that refrigerator?

12 A That day is the day I usually shop, and I was
13 coming from the shop -- shopping. I come home. I left
14 him a message; he never called me back. Again I left
15 him a message; he never call back. And then from then I
16 was quiet.

17 Q So what did you do?

18 A So since I have a little kids and they need milk
19 every time, I decided to go to -- my husband and I buy a
20 new refrigerator from SuperStore.

21 Q And how -- did you bring the refrigerator to your
22 apartment at Front Street?

23 A After I buy it, they ask me to add extra money so
24 they can bring home to deliver, and I added money and
25 they delivered to my house.

1 Q Did Mr. McLaurin ever say anything to you about the
2 broken refrigerator?

3 A Yes. The second -- the second one, he sent another
4 person to check it, and then also the person who came
5 there to fix it, they say, "We can't fix this," and Mr.
6 McLaurin say that "I'm not in that business of buying
7 another one."

8 Q Did Mr. McLaurin say anything about how the
9 refrigerator got broken?

10 A Yes. He told me my kids had broken, but it's not.
11 It was not working before, but he told me my kids broke
12 it.

13 Q Did your kids break it?

14 A No. It's not broken. The refrigerator's not
15 broken. It's just not working.

16 Q Did your children break the sink in the bathroom?

17 A No.

18 Q Did you break the sink in your bathroom?

19 A No.

20 Q Did you break the refrigerator?

21 A No.

22 Q Did Mr. McLaurin ever say anything to you about
23 Africa?

24 A Yes.

25 Q What did he say?

1 A He told me, "Someone like you will be better taking
2 that to your country. They don't have the water. They
3 don't have the food. They don't have the medical
4 system. Somebody like you is good to go back to your
5 country."

6 Q Did Mr. McLaurin say why you didn't -- why you
7 should go back to your country?

8 A No. He didn't tell me the reason, but to me, I
9 was -- I just take it that he is saying I'm not eligible
10 here to stay.

11 Q Do you have a boyfriend?

12 A No. We don't know that.

13 Q Did Mr. McLaurin accuse you of having a boyfriend?

14 A Yes.

15 Q What did he say?

16 A It was one day, Mr. McLaurin was in the downstairs
17 at the garage, and my son came from school to -- because
18 he plays basketball. He wanted to take his uniform to
19 play basketball, and then he was changing his clothes.
20 Mr. McLaurin come upstairs and he standing at the
21 doorway. I was standing at the kitchen. And he told
22 me, "Your boyfriend is not allowed to be here," but it
23 was my son who was changing his clothes.

24 Q Did Mr. McLaurin say anything else about your
25 boyfriend?

1 A First of all, in our culture, we don't have a
2 boyfriend.

3 Q Okay. What did Mr. McLaurin say to you about this
4 boyfriend he said you had?

5 A One day he come to -- to my house. He stand by the
6 living room, and -- the door by the living room. I was
7 sitting there with my little kids all, and he told me,
8 "I didn't rent -- you didn't rent my apartment to have
9 sex in."

10 THE COURT: To have a what?

11 INTERPRETER MOHAMED ALI ABDULLAHI: To have
12 sex.

13 THE COURT: To have sex.

14 INTERPRETER MOHAMED ALI ABDULLAHI: Yeah.

15 THE COURT: Okay. That's all she said? She
16 seemed like she said a lot of things.

17 INTERPRETER MOHAMED ALI ABDULLAHI: Yes. In
18 our language, it's very long. In English, it's shorter
19 than that.

20 THE COURT: Okay.

21 BY MS. BATTERSON:

22 Q Did you have a car when you lived at Front Street?

23 A Yes.

24 Q Tell me about the car.

25 A I had a small car, which it was green.

1 Q And when did you have that car?

2 A I had it when I was moving into that apartment.

3 Q And did anything happen to that car?

4 A So as I was coming from my work, I was parking in
5 the back the way -- the first time he told me this is
6 your parking. Mr. McLaurin come to me and say, "Hey,
7 you can't park this car because it's not part of your
8 rent," and the car is registered by my husband. He is
9 the one who gave me. And he told me, "You can't park
10 here, this car," and that's the spot he told me it is to
11 park my car.

12 Q To what the car?

13 THE COURT: Park the car.

14 MS. BATTERSON: Park. I'm sorry.

15 BY MS. BATTERSON:

16 Q Did you get a new car at some point while you lived
17 at Front Street?

18 A Yes. That car I could not fix. It was a lot of
19 money to fix it, and then my dad gave me another car.

20 Q And where did you park that car, the car your dad
21 gave you?

22 A Mr. McLaurin told me I can't park the car my dad
23 gave me there, and he told me I don't have parking, and
24 I ask him, "You told me when I moved that this is my
25 parking." He told me, "No, you can't park here," and I

1 told him, "This is the car my dad gave me to go to work
2 and come back, so I can't -- why I can not park here?"
3 And he said, "No, this is not your parking. You can't
4 park your car here."

5 THE COURT: And to our interpreter, if
6 she's -- she's giving you too long an answer and you
7 need to stop her, that's absolutely fine. Okay?

8 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

9 BY MS. BATTERSON:

10 Q Did you put -- did you change the car into your
11 name that your dad gave you?

12 Let me rephrase that. That's confusing.

13 A Yes.

14 Q Did you put that car in your name?

15 A Yes.

16 Q Did Mr. McLaurin tell you he was going to tow your
17 car?

18 A Yes.

19 Q Can you describe what happened when --

20 A There was one day, there was a lot of snow. It was
21 like today, was a lot of snow, and I come from work.
22 Because of snow, I was driving slow, and I get home at
23 five o'clock.

24 Q And then what happened?

25 A As I was coming to the parking lot, Mr. McLaurin

1 was in there. He came out and he stopped me, and he
2 said, "You only rent that apartment. You didn't rent
3 here, so you can't park your car here."

4 Q Then what happened?

5 A Mr. McLaurin refused me to park there.

6 Q How are you feeling right now telling us about
7 this?

8 A I'm feeling bad.

9 Q Was this incident upsetting to you?

10 A Yes.

11 Q Why was it so upsetting?

12 INTERPRETER MOHAMED ALI ABDULLAHI: Hold on.

13 She said hold on one second.

14 Yeah, go ahead.

15 BY MS. BATTERSON:

16 Q Why was this incident with towing the car so
17 upsetting to you?

18 A I feel he used the power, that's why I'm upset.
19 And coming from work, working the whole day, coming to
20 your home, wanted to go to asleep, and stop me from the
21 parking, I had to put mine on the street where they
22 don't allow it at that time, so that's why I'm upset.

23 Q Did you become pregnant while you were living at
24 Front Street?

25 A Yes.

1 Q Were you pregnant at the time that the car -- that
2 Michael was towing your car?

3 A That was the worst time that woman has, the first
4 trimester. That was when I was pregnant for three
5 months at that time, and that was the worst time.

6 Q Were you feeling healthy at the time that this
7 towing happened?

8 INTERPRETER MOHAMED ALI ABDULLAHI: Sorry.

9 Can you repeat that question again? Sorry.

10 BY MS. BATTERSON:

11 Q Were you feeling healthy at the time the towing
12 happened?

13 A Yes. But there was two times that he towed my car.
14 For the first time, yes, I was not feeling good. I was
15 so tired. And also the second time he tow -- he told
16 the neighbors that -- my neighbor is -- they had two
17 cars. So what he told them -- he give my spot to the
18 neighbors, and he told them, "If Binti parks here, let
19 me know."

20 Q When you were pregnant, did you see a doctor?

21 A Yes.

22 Q Did you see -- where did you see the doctor?

23 A Yes. I used to go to Community Health Center until
24 I was -- when I was five months pregnant, the baby
25 turned his head down, and the doctor was concerned about

1 this, and they sent me to a specialist, to a doctor, at
2 UVM Medical Center. And they -- they given me
3 medication every day through the IV -- every week they
4 give me through the IV, and they ask me a lot of
5 question.

6 I met with a social worker, and they told me, Is
7 there anything bad? Is there anything going with you?
8 And I didn't tell them because I don't want to remember
9 what I remember, it's going to be very bad, and I care
10 of my baby not to remember that. So I avoid not to tell
11 them. I never told them what was going in my house.

12 Q What was it that you didn't want to remember?

13 A Yes. I had a bad experience of -- between my kids
14 and me, whatever happened was so bad experience that if
15 I remember, any time I remember, my hands, my legs are
16 all frozen, and I can't even talk.

17 Q You said you had a bad experience; your children
18 and you had a bad experience. Do you mean -- what is
19 that bad experience that you had?

20 A So everyone works and everyone go to work, and when
21 you come home, you feel relaxed. You want to relax and
22 forget everything happened, but for me, my life was
23 different from that.

24 The example she gave me is -- let me try to
25 explain: The world become like this, the inside of this

1 cup. So me and my kids, the world become like that, so
2 that's why I feel.

3 Q When you say inside the cup, what do you mean? Can
4 you describe that for me?

5 A What I mean is when me and seven children are in
6 this cup, that I can turn my body this side or this
7 side, I'm kind of, like, tied in that cup. That's what
8 I mean, when the world become to me like that.

9 Q And what was it that caused your world to become
10 like that?

11 A If they go outside, as kids, they feel happy when
12 they go outside. They can't go outside. Again, inside,
13 Mr. McLaurin say they break something again, so it's
14 kind of like come into the house and sitting somewhere
15 the whole time not moving.

16 Q How much did you weigh when you first became
17 pregnant?

18 A 170.

19 Q How much did you weigh when you moved out of Front
20 Street?

21 A I dropped a lot. I was 140. And all the doctors
22 were concerned about me dropping all this weight, and
23 they were concerned and talking to me about it.

24 Q What --

25 THE COURT: So let me ask, before we go too

1 far down the path, my understanding is we aren't going
2 to have a medical expert, no causation, no medical
3 bills. So how far should I allow this testimony to go?

4 MS. BATTERSON: I think she is testifying
5 about what she herself knew, that she lost weight, for
6 example. She could, I think, testify to things that she
7 did to -- the changes she made.

8 I agree that she can't talk about what her doctors
9 told her or what their diagnosis was.

10 THE COURT: Okay. Go ahead.

11 BY MS. BATTERSON:

12 Q What changes did you make in your life when you
13 were pregnant with your youngest daughter?

14 A Yes. I experienced a lot, and as I was
15 experiencing that problem, I get a letter from Mr.
16 McLaurin's lawyer telling me they will take out all my
17 stuff out of the room. He sent me a letter saying that.

18 Q How did you feel about getting that letter?

19 A Yes. I didn't share with my kids that we will not
20 be having housing because they -- that's the letter I
21 got -- because I have little kids, and it is cold out,
22 so we worried about losing our house.

23 Q During the --

24 The Front Street apartment that you lived in, how
25 many bedrooms did it have?

1 A In the lease, he said it was a five-bedroom, but it
2 was not five bedrooms.

3 Q How many bedrooms was it?

4 A It was four bedrooms and a closet, and he told me
5 the closet was one of the bedrooms.

6 Q Did your children have their own bedroom separate
7 from your bedroom?

8 A Yes. It was very small rooms. You can't fit two
9 bedrooms -- so each room was only one bedroom, so two
10 kids sleep in one bedroom, and then the rest, they were
11 sleeping with me.

12 Q You testified before that your next oldest son
13 slept on the floor in your bedroom.

14 A Yes. It was later, when they scared, and I told
15 them everything, to calm down. The kids were so scared.
16 That's the time they were coming to my room and sleeping
17 on the floor.

18 Q And --

19 THE COURT: So let me have an offer of proof
20 because she rents an apartment. It has X amount of
21 space. I assume she saw it ahead of time. She enters
22 into the lease. How is this relevant to the claims?

23 MS. BATTERSON: It's relevant to the
24 children's state of mind.

25 THE COURT: But this is something -- I buy a

1 three-bedroom house as opposed to a four-bedroom house.
2 How does that make any difference? So you need to tell
3 me how to connect the dots.

4 MS. BATTERSON: So she will testify that the
5 children slept in her bed with her. Her one -- her next
6 oldest son slept on the floor next to her bed.

7 THE COURT: So --

8 MS. BATTERSON: The other children slept in
9 her bed with her because they were afraid.

10 THE COURT: All right. But she told us about
11 that one incident. I am not hearing they do that as a
12 regular practice.

13 MS. BATTERSON: Yes.

14 THE COURT: Okay. All right. So -- all
15 right. I'll allow the questions. I am not really sure
16 that you are connecting the dots in terms of this is
17 what she rented, this is the space. So move to
18 something that would have something to do with how that
19 becomes a Fair Housing Act issue.

20 BY MS. BATTERSON:

21 Q In addition to your next oldest son, did anyone
22 else sleep in your bedroom?

23 A Yes. The little ones all was sleeping there in my
24 bed, and this is the 15-year-old. He is not the oldest.
25 He is the second oldest who is scared and come to my

1 room to sleep there.

2 Q Why is your second oldest son sleeping on the floor
3 in your bedroom?

4 THE COURT: Pardon me?

5 MR. DIAMOND: Objection, your Honor.

6 THE COURT: Basis?

7 MR. DIAMOND: If she knows.

8 THE COURT: If she knows.

9 MR. DIAMOND: And not because he told her.

10 THE COURT: Right.

11 MR. DIAMOND: But the other thing is, I mean,
12 again, there's no foundation of when this incident or
13 time period was.

14 THE COURT: So I am going to sustain the
15 objection because it's either asked and answered -- we
16 heard about the one occasion -- or there's some
17 confusion and it's happening all the time, which you
18 need to clarify.

19 So let's ask the question in a way that identifies
20 are we talking about a regular practice? Are we talking
21 about the incident that already occurred?

22 BY MS. BATTERSON:

23 Q Did your children sleep in your bed and next to
24 your bed more than one night?

25 A Since Mr. McLaurin come to my apartment and yelling

1 and they hear that, talking to me in a bad way, they
2 scared. From that time they never slept in their bed
3 and they were sleeping with me.

4 Q Did any of your children who were sleeping with you
5 ever wake up in the night?

6 A No. Only Mohamed, my son, who said one night that
7 "Michael is here; Michael, him; Michael, yes; Michael's
8 here," as he was sleeping.

9 MR. DIAMOND: Objection, your Honor.

10 THE COURT: I'll allow it for the effect on
11 her state of mind.

12 MS. BATTERSON: I think it's an excited
13 utterance. I can establish more.

14 THE COURT: It probably is not in that you
15 actually have to be awake, I believe, for an excited
16 utterance. So I am understanding this happened while he
17 was sleeping?

18 MS. BATTERSON: Yes.

19 BY MS. BATTERSON:

20 Q Did any of your children have nightmares?

21 A It's only my son Mohamed who was. He is the one
22 who had a nightmare.

23 Q Is that your son MHK?

24 A Yes, MHK.

25 MR. DIAMOND: Your Honor, I'm going to raise

1 an objection, again; move to strike. I don't see any
2 connection in this testimony between the son having a
3 nightmare and Michael McLaurin's actions. I just don't
4 see any relationship between a discriminatory animus and
5 what she's testifying to, and therefore it seems to me
6 that all that testimony is irrelevant.

7 THE COURT: Well, MHK has no claims, correct?
8 Is this the one who dismissed his claims? No?

9 MS. BATTERSON: No.

10 THE COURT: Okay.

11 MS. BATTERSON: That was not MHK.

12 THE COURT: I will allow it because it's a
13 bench trial, and I am not worried about a jury hearing
14 evidence that's confusing or misleading. I don't know
15 how a single nightmare by a child, regardless of what
16 the source, would be compensable, so that's why I asked
17 for an offer of proof connecting it to the Fair Housing
18 Act.

19 Go ahead.

20 BY MS. BATTERSON:

21 Q How old was MHK, how old was Mohamed, when you
22 lived at Front Street?

23 A He was seven years old.

24 Q Did Mohamed have more than one nightmare?

25 A Yes. The day he ran from him and he fall on the

1 stairs, from that day, three consecutive night, he
2 was -- had nightmares.

3 MS. BATTERSON: Your Honor, I have a question
4 but I don't know if it's appropriate to ask it in the
5 open.

6 THE COURT: Do you want to approach?

7 MS. BATTERSON: That would be great.

8 (The following was held at the bench.)

9 MS. BATTERSON: So I wanted to establish that
10 the children went to counseling; not saying any -- I'm
11 not having an expert testify, that is true, so I am not
12 trying to necessarily -- I'm just saying that they
13 didn't go to counseling before, they did during, and now
14 they go to less counseling.

15 THE COURT: All right.

16 MR. DIAMOND: I think it has no place. It's
17 not relevant. If there's no ability to tie that
18 activity -- whether it's medication, whether it's
19 counseling -- to something that Michael did or caused,
20 she doesn't have that tie. It's not relevant testimony,
21 your Honor.

22 MS. BATTERSON: I think the fact-finder can
23 draw a --

24 THE COURT: Well, I am the fact-finder, and my
25 concern is it would be speculation. So I would have to

1 speculate that the reason why the kids went to
2 counseling was because of something the defendant did as
3 opposed to a hundred other causes. And if I don't have
4 somebody who said presenting problem was anxiety about
5 landlord's behavior in the home, I really am just
6 guessing. I mean, they could be going to counseling
7 because they don't see their father enough or because
8 something's happening at school. So I would just be
9 guessing, and that's the problem.

10 MS. BATTERSON: So even if it is a changed
11 pattern?

12 THE COURT: Well, I mean, so I -- even if I do
13 guess, I guess, and I say to myself, well, they didn't
14 go to counseling before, they didn't -- now they are
15 going to counseling, there isn't any damage claim
16 connected to it because there's no counseling bills,
17 there's no diagnosis, there's nothing. So it's got a
18 lot of problems with it. But the objection is
19 sustained.

20 MR. DIAMOND: Thank you, your Honor.

21 (The following was held in open court.)

22 MR. DIAMOND: Your Honor, might this be an
23 appropriate time for a five-minute break?

24 THE COURT: It is right about the time we
25 would take a break, so that's fine. It's about 2:30.

1 We will come back in approximately 10 minutes.

2 Anything to bring to my attention before we take
3 our own break?

4 MS. BATTERSON: No.

5 THE COURT: You're all set too?

6 MR. DIAMOND: Yes. Thank you.

7 (Court was in recess at 2:27 p.m.)

8 (The following was held in open court at 2:46 p.m.)

9 THE COURT: We are back on the record in
10 Mohamed versus McLaurin. We have Binti Mohamed on the
11 witness stand. She is still under oath. And we are in
12 Miss Batterson's direct examination.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. BATTERSON:

15 Q Do you know if Mr. McLaurin fixed the downstairs
16 neighbor's apartment after the leak?

17 A Yeah. I saw him. His truck was there, and he was
18 inside, but I never go inside. I don't know if he fixed
19 it.

20 Q Did Mr. McLaurin fix the sink in your apartment?

21 A No.

22 Q How did living at Front Street --

23 Your daughter, SHK, your youngest daughter, what
24 was her -- what was her behavior like at Front Street,
25 when you lived at Front Street?

1 A My daughter used to watch TV a lot. From that
2 time, she was not any time watching. She has to be with
3 me or with her dad. She was afraid, and she can't stay
4 alone.

5 MS. BATTERSON: She can't stay --

6 INTERPRETER MOHAMED ALI ABDULLAHI: Alone.

7 BY MS. BATTERSON:

8 Q How is your youngest daughter, SHK, now that you
9 live somewhere else?

10 A She changed when we moved. She has confidence.
11 She sit there and watch her TV. So she changed.

12 Q How about your next youngest daughter, also SHK?

13 MR. DIAMOND: Objection, your Honor. I just
14 wanted to see where she was going with this. This seems
15 to be not related to anything directed to Mr. McLaurin.
16 There's -- I don't know what the evidence relates to.
17 It's completely speculative as to what caused any
18 changes of behavior that she's testifying to.

19 THE COURT: I agree that it is speculative.
20 It will be very difficult to show causation: she was
21 watching TV; now she's not watching TV. But it's a
22 bench trial, and I am going to allow her to ask these
23 questions subject to the Court weighing for credibility
24 and weight.

25 MR. DIAMOND: Thank you, your Honor.

1 MS. BATTERSON: Sorry. For credibility and
2 weight? Sorry.

3 THE COURT: Yes.

4 MS. BATTERSON: Thank you.

5 BY MS. BATTERSON:

6 Q Your youngest daughter, SHK, how did living at
7 Front Street affect her behavior?

8 A Yes. They -- we used to live in many apartment.
9 We never seen somebody yelling coming into house. That
10 was the first time they experienced that and coming,
11 seeing somebody yelling, and everyone is scared. So
12 that was their first time to see that.

13 Q Your next oldest daughter, SHK, how did living at
14 Front Street affect her behavior?

15 A I have two daughters. Is it the youngest or second
16 youngest?

17 Q The second youngest.

18 A Everyone wasn't scared, but the little ones, they
19 scared more than anyone; and at night, even when I am
20 sleeping, they sleep with me, and they will come inside
21 my blanket. That's how they scared. Everyone wasn't
22 scared, but they were more scared, and then I had to put
23 a blanket on them.

24 And I -- she said also the heartbeat was very high,
25 too. The heartbeat was very high.

1 Q And your second youngest daughter, SHK, now that
2 you don't live at Front Street, how is her behavior now?

3 A Before they don't use to get any food from the
4 refrigerator because they say Michael's going to yell at
5 them. They don't touch anything. They used to wait
6 until I come, but right now they kind of feel happy and
7 calm. They go and get the food, eat by themselves, so
8 they are different.

9 Q Is SHK your next youngest? Next -- your older
10 daughter named SHK, is she different now?

11 A Yes.

12 Q Your son, MHK, your next oldest child, your son
13 Mohamed, how was he affected -- how was he affected by
14 living at Front Street?

15 A He was so scared. He was the one that ran upstairs
16 and fell on the stairs, so he was so scared. Mohamed.

17 Q And now that you don't live at Front Street
18 anymore, how is Mohamed?

19 A Where I live, I try to give them confidence that no
20 one can touch them, no one can tell them anything. I
21 give them \$2 to buy from the next store close to my
22 house. Whenever they see Michael walking around, they
23 run back and say, "Hey, mom, can you go with us."

24 Q How does MHK behave now that you don't live there?

25 A He's good. He's normal.

1 Q Are you saying he wasn't normal when he lived at
2 Front Street?

3 A No.

4 MS. BATTERSON: No, he wasn't normal, or, no,
5 she is not saying that?

6 THE WITNESS: Yes. He was scared. That's
7 why he was so scared when he was there.

8 BY MS. BATTERSON:

9 Q Your son, FHK, how did he behave at Front Street?

10 A He was scared too.

11 Q How did you know he was scared?

12 A Since that -- since I moved into that place, my
13 kids -- usually they run to me when I come from work, so
14 when I am not there, they will come to their dad, by
15 their dad, and sit by their dad wherever he is sitting,
16 and they don't come out. Even when I open the door, I
17 don't see anybody coming -- running to me. They used to
18 hug me and run at me when I come home from work.

19 MR. DIAMOND: I move to strike, your Honor,
20 the entire portion when she was at work and not at home
21 and what they did with their father.

22 THE COURT: Well, I will strike that portion
23 of it unless she can establish that she was there. My
24 understanding is she does not work on the weekends. So
25 I am not so sure when this is happening.

1 And, actually, I'm not so sure that she's not
2 talking about the present, that they don't currently run
3 to her. So I'm lost as to the time frame, and that's a
4 problem for the finding of fact. But Miss Batterson can
5 fix that, I'm sure.

6 BY MS. BATTERSON:

7 Q You just talked about several of the children
8 running to you. When did that take place?

9 A Before I moved to Front Street, my kids used to be
10 happy and run at me; you know, when mom comes, kids run
11 and hug them, and I used to be happy with that.

12 When I was living in Front Street, I don't see
13 that. My kids, they don't know who is come into the
14 house opening, so they scared not to come to run if
15 someone opens the door. They stay with their dad and
16 sit there until I come to them.

17 Q And now that you don't live at Front Street, how do
18 they behave?

19 A Yeah, they feel safe here, and they come and run to
20 me when I come from work. They -- I feel happy now.

21 Q Did anything change for FHK from when you lived at
22 Front Street, his behavior at Front Street, and his
23 behavior now that you don't live at Front Street?

24 A Yes. He is happy in this apartment right now where
25 we are.

1 Q And are you saying he wasn't happy at Front Street?

2 A No, he was not happy.

3 Q Your daughter, KHK, when you lived at Front Street,
4 how did living at Front Street affect her?

5 A She was scared in that apartment.

6 Q How did you know she was scared?

7 A She was old enough to tell me that she was scared
8 about Michael coming in, so she was telling me every
9 time that she was scared about him.

10 MR. DIAMOND: Objection, your Honor.

11 THE COURT: Sustained as to the child.
12 Admitted for the mother's state of mind.

13 So wait for the next question.

14 BY MS. BATTERSON:

15 Q Your son, AOA, the next one below Hussain, AOA,
16 when he lived at Front Street, how was he affected?

17 How was AOA --

18 A He was scared.

19 Q How do you know he was scared?

20 A He told me. He is the one that told me he was
21 scared.

22 MR. DIAMOND: I'm going to object again,
23 your Honor. I mean, I don't know what to do. If every
24 one of her answers have to do with "she told me, the
25 child told me" --

1 THE COURT: Well, here's my predicament. If
2 one of her, meaning the witness's claims is that the
3 agitative or scared state of her children affected her
4 own state of mind, and Miss Batterson can show that
5 those damages are compensable, I'm going to allow it for
6 that purpose. But we really don't invite testimony
7 where X person tells Y person something and it's offered
8 for the truth without qualifying it under a hearsay
9 exception.

10 I am not hearing present sense impression or any
11 kind of foundation, so on that basis, I agree with the
12 objection. So let's be careful how the questions are
13 asked.

14 BY MS. BATTERSON:

15 Q When you lived at Front Street, how did you feel
16 seeing your children -- how they were affected?

17 A I feel terrible. I feel bad. My heart's broken
18 when I see my kids are so scared. It's kind of out --
19 out of humility the way the things happen.

20 Q What do you want the judge, the Court, to do if --
21 if she believes what happened? What do you want her to
22 order?

23 A It happened to me. I don't want it to happen to
24 another family. I don't want him to be an owner of a
25 house.

1 Q An owner of a house or do you mean an owner who
2 rents out a house?

3 A What I mean is that he can't rent another time with
4 another family like this.

5 Q And if the judge can't order that, what do you want
6 the judge to order?

7 INTERPRETER MOHAMED ALI ABDULLAHI: Can you
8 repeat that? Can't or can?

9 MS. BATTERSON: Cannot.

10 A I can't refuse what the judge says, and I will be
11 accepting.

12 MS. BATTERSON: Your Honor, could I just
13 confer? I think I might be done with direct.

14 THE COURT: Okay. Sure.

15 (Brief pause.)

16 INTERPRETER MOHAMED ALI ABDULLAHI: Your
17 Honor, she's asking if she can go and talk to her
18 lawyer.

19 THE COURT: She can't, because we don't have
20 any talking on the witness stand.

21 You need to stay here, and so I am glad you asked.

22 MS. BATTERSON: Those are all the questions I
23 have.

24 THE COURT: All right. Any cross examination?

25 MR. DIAMOND: Yes, your Honor.

CROSS EXAMINATION

BY MR. DIAMOND:

Q Miss Mohamed, you testified earlier that you didn't work on weekends. Is that correct?

A Yes.

Q But, in fact, you did work on weekends, did you not, for Wake Robin?

A No. That was not on my scheduled days to work.

Q Didn't you answer interrogatories in this case and say that you worked from Saturday through Wednesday from October 9th of 2017 to March of '18, from seven a.m. in the morning until 3:30 p.m. at night?

A No. I was working Monday to Friday.

Q So I am going to --

MR. DIAMOND: If I may, your Honor?

THE COURT: You may.

MS. JOHNSON: Your Honor, may we see that?

THE COURT: Sure. He has to show it to you if he is going to refresh recollection. So you want to show it to Miss Batterson?

MR. DIAMOND: Yes. This is Defendant's Exhibit B23. It's your answers to interrogatories that you sent us December 21st, 2017, and the question and answer are right here.

MS. BATTERSON: Our exhibits aren't -- we're

1 trying to locate the exhibit.

2 THE COURT: You can see what is in his hand.
3 That's what's refreshed recollection. He has to show it
4 to you. If you have a separate copy, great. But if you
5 don't, you can get to see what's in his hands.

6 MR. DIAMOND: I am going to ask if the
7 interpreter would read this paragraph, paragraph three
8 of her answers. Read that to her, please.

9 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)
10 BY MR. DIAMOND:

11 Q Does that refresh your recollection?

12 A Yeah. This was not my schedule. It's just when I
13 get a baby-sitter that day, I usually work overtime on
14 Saturdays.

15 Q But it doesn't say that.

16 A That is what I say. I don't know how they write
17 it.

18 Q But you signed this document, did you not?

19 A Yes, it's my sign, but I don't know how to read it.

20 MR. DIAMOND: Your Honor, since she cannot
21 read it, but it is their document to us, I would like to
22 read it to the Court so that it goes into evidence.

23 THE COURT: You can either move to admit it or
24 you can read it into the record as a party admission.

25 MR. DIAMOND: "I started working as a cleaner

1 at Wake Robin October 9, 2017. I cleaned the rooms, the
2 cafeteria, the bathrooms, windows and anything they tell
3 me to clean. I think the department is called
4 housekeeping laundry. I work 40 hours per week. I work
5 Saturday through Wednesday from seven a.m. to 3:30. My
6 supervisor's name is Tammy. I don't know her last
7 name."

8 And Miss Mohamed signed those interrogatories, and
9 I would move the admission of B23.

10 THE COURT: And I assume she signed them under
11 the penalties of perjury?

12 MR. DIAMOND: She did not.

13 THE COURT: All right.

14 MR. DIAMOND: She just signed it.

15 THE COURT: You can either admit that page or
16 you just read it into the record. It's in the record,
17 and I will take the fact that it was not under oath as
18 an issue of weight.

19 MR. DIAMOND: Okay. Thank you, your Honor.

20 BY MR. DIAMOND:

21 Q Now, you did not list your husband as an occupant
22 in the apartment, did you?

23 MS. BATTERSON: Objection.

24 THE COURT: Basis?

25 MS. BATTERSON: What -- I don't think it goes

1 to any claim or defense.

2 THE COURT: Well, it goes to the issue of
3 whether there were other reasons to terminate the lease
4 or for actions having to do with, for example, the
5 vehicles and how many were allotted and who was in the
6 house. So it's compliance with the terms and conditions
7 of the lease. And we had it on direct in the husband's
8 testimony.

9 Go ahead.

10 BY MR. DIAMOND:

11 Q On the rental application, there was no mention of
12 husband living there.

13 A Yes.

14 Q And when you sent us your initial disclosures, you
15 listed your husband as an ex-husband, did you not?

16 A Yes.

17 Q And you remember that we took a deposition, your
18 deposition, back in August, and again in early October?

19 INTERPRETER MOHAMED ALI ABDULLAHI: You mean
20 deposit?

21 MR. DIAMOND: I'm sorry.

22 INTERPRETER MOHAMED ALI ABDULLAHI: The word
23 "position," what do you mean?

24 MR. DIAMOND: Does she remember that I took
25 her deposition?

1 THE COURT: So deposition is questioning under
2 oath outside the courtroom, you have a court reporter,
3 and the attorneys ask questions under oath.

4 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

5 A Yes.

6 BY MR. DIAMOND:

7 Q Do you remember telling me a number of times that
8 you were single, and a single mom?

9 A No.

10 Q I want to direct your attention -- this is D10.
11 It's the deposition. I'm going to page 122, and I'm
12 going to start at line 20.

13 MS. JOHNSON: May we see it, your Honor?

14 THE COURT: You can see it. Do you not have
15 D10?

16 MS. JOHNSON: Your Honor, we have them where
17 they're not flagged.

18 Oh, never mind.

19 THE COURT: You're all set?

20 MS. JOHNSON: Yes, your Honor.

21 THE COURT: Okay. Good.

22 MR. DIAMOND: So if you would begin reading
23 here. I'm -- and just read that sentence to her.

24 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

25 BY MR. DIAMOND:

1 Q Does that refresh your recollection?

2 A Yes. That -- what I mean is I'm married, but we
3 are living in a separate apartments and separate place.

4 Q But you weren't living in a separate place. Your
5 husband testified this morning that he lived with you.
6 That was his home.

7 A Yes. I already talked to Mr. Michael about that.
8 I tell him he is going to babysit for me, stay in my
9 house, and when I'm working, my husband babysits the
10 kids and stays home.

11 Q But that was not his testimony this morning.

12 MS. BATTERSON: (Unintelligible.)

13 THE COURT: So let me hear what the objection
14 is.

15 MS. BATTERSON: It's not an objection to the
16 questioning. It's just that Mr. Diamond's standing very
17 close, and the questions are very pointed, and --

18 THE COURT: All right. I would prefer you
19 were behind the podium if you are not refreshing
20 recollection any longer. And you may -- or you can be
21 at counsel table and just continue to question.

22 BY MR. DIAMOND:

23 Q But your husband testified today that --

24 A Yes. He is a human being. He's scared and he get
25 nervous. But he had -- right now, even he has his own

1 apartment and address, but he stays always in my house
2 when I am not there to babysit my kids.

3 Q He didn't say that this morning. He was
4 specifically asked where was his home, and he said, "74
5 Front Street, with my wife."

6 A Yes. He was telling where he was always. He was
7 always there to babysit his children. Right now, he has
8 another apartment, that he is there to babysit, and they
9 know he is at -- in there.

10 BY MR. DIAMOND:

11 Q I want to again show you your deposition and ask
12 the interpreter to read, if you will -- this is page 117
13 at line 10. If you will read 10 and 11. Let me make
14 sure I have got the right -- no. I'm sorry.

15 Line 14 and 15, just from here to here.

16 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

17 BY MR. DIAMOND:

18 Q Does that refresh your recollection? Did you not
19 say again that you were a single mother?

20 A No, I didn't say that. I say that my -- I live
21 with only my kids.

22 MR. DIAMOND: Your Honor, I will, if I may,
23 read?

24 THE COURT: Yes, but do it over at the podium,
25 please.

1 MR. DIAMOND: But I am going to be coming back
2 for two more.

3 THE COURT: We'll get some exercise out of you
4 this afternoon.

5 MR. DIAMOND: At page 117, line 14, she
6 states, "First thing, I was single, or I was a mother
7 that were -- who was raising her child -- children."

8 THE COURT: So what was that in response to?
9 What question?

10 MR. DIAMOND: "Now, tell me what you believe
11 Mr. McLaurin did to discriminate against you on the
12 basis of your religion." That was the beginning of her
13 response. It was actually the beginning of a second
14 paragraph of her response.

15 Now, we then go to page 123 at 18. Would you like
16 me to read it to the Court first or --

17 THE COURT: You can do that and have it
18 translated as opposed to approaching, unless there's an
19 objection.

20 What's your preference, Miss Batterson?

21 MS. BATTERSON: Yes, that would be preferable
22 to me.

23 THE COURT: Okay. Go ahead.

24 MR. DIAMOND: Page 123 at line 17 -- line 15,
25 the question was, "Were there other women that lived in

1 the building?

2 "Answer: Yes. They were a couple, actually.
3 Wasn't just a single.

4 INTERPRETER MOHAMED ALI ABDULLAHI: You want
5 me to tell that or read it?

6 THE COURT: Yes.

7 MR. DIAMOND: Yes. I am going to bring it to
8 you so you can see it.

9 INTERPRETER MOHAMED ALI ABDULLAHI: Which
10 line?

11 MR. DIAMOND: Starting at line 15 through 18.

12 BY MR. DIAMOND:

13 Q Do you recognize that you continued to say you were
14 single?

15 A No, I didn't say single. I did say something else.

16 MR. DIAMOND: Question on page 124 at lines
17 three through 11, I'm going to read them into the record
18 first, your Honor.

19 "Did you see -- you lived there for almost two
20 years. Did you see any problems between Michael and his
21 other female tenants?

22 "Answer: So it was a power situation to the point
23 that I was violated with your client's action, because
24 what I'm censoring is that female or that tenant at the
25 time, she had her man, and her man was there, so Michael

1 could not disrespect her, and I was just -- I was a
2 single mother, that I was renting from him."

3 So if you will read between here and here.

4 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

5 THE WITNESS: I never say single. I say that
6 we don't live -- we don't have the same apartment. We
7 were separated. That's what I say.

8 BY MR. DIAMOND:

9 Q But the words state, "I was a single mother."

10 MS. BATTERSON: Objection. She has already
11 answered that.

12 THE COURT: Well, it's argumentative at this
13 point, and I'm thinking that we are kind of getting
14 beyond refreshing recollection, because she -- you can
15 read those statements into the record. They're
16 admissions. But we're not really refreshing
17 recollection because she is consistently denying that
18 she's single, but you are not asking if that refreshes
19 her recollection.

20 MR. DIAMOND: I should ask that, your Honor,
21 and I will.

22 BY MR. DIAMOND:

23 Q Miss Mohamed, do any of the things that I read from
24 the depositions refresh your recollection that your
25 testimony was that you never said you were a single

1 mother?

2 A Yeah, I never say that I was single, but I say we
3 don't live together. Mr. Michael, I also explained when
4 I was moving in, that he is not a part of the lease,
5 that he's going to stay and babysit for me, so that's
6 how I know.

7 Q If he were living with you, you would have had to
8 pay more rent, wouldn't you?

9 A No.

10 Q Oh.

11 Now, when you first started to rent, you didn't
12 have enough money for your security deposit, did you?

13 MS. BATTERSON: Objection.

14 THE COURT: I will allow it.

15 INTERPRETER MOHAMED ALI ABDULLAHI: Can you
16 repeat that, please.

17 BY MR. DIAMOND:

18 Q When you first started to rent from Michael, you
19 didn't have enough money to pay the security deposit at
20 one time, did you?

21 A I paid it two times. Two different times.

22 MR. DIAMOND: She what?

23 INTERPRETER MOHAMED ALI ABDULLAHI: "I paid it
24 two different times."

25 BY MR. DIAMOND:

1 Q He, in fact, allowed you to defer it for three
2 weeks, about a thousand forty-seven dollars, did he not?

3 A Yes. I was waiting for my security deposit to come
4 to me together from the -- from my landlord.

5 COURT REPORTER: Waiting for your deposit --

6 INTERPRETER MOHAMED ALI ABDULLAHI: The
7 security deposit from the apartment that she moved out.

8 BY MR. DIAMOND:

9 Q Miss Mohamed, when did you get a driver's license?

10 MS. BATTERSON: I didn't hear the question.
11 I'm sorry.

12 MR. DIAMOND: When did she get a driver's
13 license.

14 A I got -- I can't recall now when was it.

15 BY MR. DIAMOND:

16 Q Was it in 2017? 2018?

17 A I can't remember.

18 Q Do you have a copy of your driver's license with
19 you?

20 A Yes.

21 MR. DIAMOND: She say yes?

22 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

23 BY MR. DIAMOND:

24 Q Did you have that driver's license when you first
25 started renting from Michael?

1 A Yes.

2 MR. DIAMOND: When did she register the car,
3 the green car, her first car, in her name?

4 THE WITNESS: It was not on my name. It was
5 my husband's name. It was just in my husband's name.

6 BY MR. DIAMOND:

7 Q But it was a requirement that in order to park
8 there, the car had to be registered to you. Was it not
9 registered to you?

10 MS. BATTERSON: Objection.

11 THE COURT: So hold it.

12 MS. BATTERSON: There was a statement and then
13 a question, and I'm not sure that it's clear what --
14 which thing she is answering.

15 THE COURT: So there is -- we assume there's a
16 good-faith basis for it. It is cross examination, and
17 so I will have the question read back to the witness,
18 translated, and we will get an answer.

19 (The pending question was read back by the
20 reporter.)

21 A No. But the second car, my car my dad gave me, was
22 registered under my name.

23 BY MR. DIAMOND:

24 Q Your husband testified that he was out of the
25 country for three months, and you said he was back by

1 mid-October, and so that would have -- would have been
2 August, September -- or late July, August, September,
3 and then back in October. Is that what you recall?

4 THE COURT: Is there an objection?

5 MS. BATTERSON: I was going to make an
6 objection, but then -- I think he might be crossing her,
7 but then I figured she might independently know the
8 answer to the question. It's kind of a mixed question.

9 THE COURT: So I am hearing the objection is
10 withdrawn. So go ahead, and --

11 MS. BATTERSON: Sorry.

12 THE COURT: -- let's have the question a
13 little bit more simply. We are talking about 2017, and
14 what's the time frame -- husband was in Sudan is the
15 question?

16 MR. DIAMOND: Right. He was out of the
17 country, went back to Sudan for three months that he
18 testified.

19 BY MR. DIAMOND:

20 Q Do you know what those three months were?

21 A Yes. What I can recall is August. I don't know
22 exact date, but he came back October -- he came back
23 around October 22, 23.

24 Q Okay. So he would have been gone August,
25 September, October?

1 A What I know, he was away for three months.

2 Q Who babysat the children during those three months
3 while you worked?

4 A He -- the children go with him to -- back to
5 Africa.

6 MR. DIAMOND: The children what?

7 INTERPRETER MOHAMED ALI ABDULLAHI: He took
8 the children with him.

9 BY MR. DIAMOND:

10 Q They were all -- they all went out of country with
11 him?

12 INTERPRETER MOHAMED ALI ABDULLAHI: Yes.

13 THE COURT: Is that a yes? You have to
14 answer.

15 THE WITNESS: (In English) Yes.

16 THE COURT: Okay.

17 BY MR. DIAMOND:

18 Q Now, you testified earlier that Michael came into
19 your bathroom and ripped down the shower curtain that
20 exposed you naked to him while you were taking a shower.
21 Do you remember that testimony?

22 A Yes.

23 Q Do you remember telling me in your deposition on
24 August 31st that he only yanked the curtain that was
25 between the bathroom door and -- and he opened the

1 curtain for the bathroom?

2 Do you recall saying that -- well, let me just
3 leave it at that for right now.

4 INTERPRETER MOHAMED ALI ABDULLAHI: Your
5 Honor, I didn't understand that question. If you can
6 repeat it.

7 THE COURT: So read it, and then we will have
8 a question, but translate it, if you would, please, what
9 he is reading.

10 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

11 MS. BATTERSON: Jerry, where are you reading
12 from?

13 MR. DIAMOND: I am reading -- I'm sorry. Page
14 32.

15 BY MR. DIAMOND:

16 Q So before I read from the deposition, I just want
17 to make sure I understand. Between your living room and
18 your bathroom there was a door and a curtain that you
19 had put up. Is that correct?

20 A Yes. The outside door, there's a curtain there.

21 Q And that was the one he removed, am I correct?

22 A Yes, that is the -- that's the first one, and then
23 he opened the door and come to the shower and opened the
24 other one in the shower too.

25 Q Well, that's not what you said in your deposition.

1 A I said that.

2 MR. DIAMOND: If you will read to her from
3 line four describing it, down to right here, if you
4 will.

5 INTERPRETER MOHAMED ALI ABDULLAHI: Your
6 Honor, reading and translation takes time. I have to
7 read it first and then understand it.

8 THE COURT: Perfect. Take whatever time you
9 need.

10 THE COURT: So he should be reading; you
11 should be listening. Don't say anything back until we
12 hear a question.

13 INTERPRETER MOHAMED ALI ABDULLAHI: All right,
14 finished, sir.

15 MR. DIAMOND: Yes.

16 BY MR. DIAMOND:

17 Q So does that say anything about a second shower
18 curtain being removed?

19 A I said it. Yes, I say that he removed the second
20 curtain.

21 Q But you didn't say that in the deposition.

22 A I was saying that every time, but I don't lie, and
23 anyone who writes it, wrote it wrong, but I didn't wrote
24 it like that.

25 MR. DIAMOND: Your Honor, this -- if I may, I

1 will read it into the record --

2 THE COURT: You may.

3 MR. DIAMOND: -- because this was the only
4 discussion of the shower incident.

5 "The living room is like -- the entrance between
6 the living room and the shower room is not that far
7 either, so to me is -- I didn't want to close my door to
8 the bathroom at the time, so I had an extra curtain so
9 it was actually hanging by the bathroom door.

10 "At the time all I could hear is somebody with
11 aggressive voice; he was mad, but I don't know why. I
12 did not take a look. He was yelling loud, and I had the
13 shower curtain -- before the shower curtain there was
14 another curtain between the living room and the
15 bathroom, and he let himself in while screaming like a
16 mad person. He pulled the curtain down that was between
17 the bathroom door. And even that, he let himself into
18 the bathroom and opened the curtain for the bathroom.

19 "Then he yanked the curtain that was at the
20 bathroom door, because I did not want to close the door
21 to the bathroom."

22 That was -- that was the discussion about the
23 curtain incident, period.

24 BY MR. DIAMOND:

25 Q Now, you attended certain inspections early on of

1 the apartment, did you not?

2 A When was the inspection?

3 MR. DIAMOND: Well, the first one was February
4 1st, 2016, before she actually took occupancy of the
5 apartment.

6 THE WITNESS: Can you repeat that. I didn't
7 understand. Do you mean when I was -- before I came in
8 or when I was moving out?

9 MR. DIAMOND: Yes.

10 There was an inspection first on February 1st of
11 2016, that -- that she got a copy of. Does she remember
12 seeing it?

13 THE WITNESS: I can't remember that, 2016, not
14 an inspection.

15 BY MR. DIAMOND:

16 Q Okay. What about the inspection you made with
17 Mr. Noor?

18 A No, I -- what are you asking? I don't know.

19 Q Well, let me get a copy of it then.

20 I want to show you what's been marked for
21 identification --

22 MS. BATTERSON: Objection.

23 Q -- as Defendant's F.

24 MS. BATTERSON: I have an objection.

25 As Mr. Diamond knows, Binti does not read, so she

1 wouldn't be able to do any of the authentication that he
2 is about to ask her to do. He is going to show her a
3 document. She can't read.

4 THE COURT: Well, it can be read to her. I
5 assume that it might have been read to her. So he can
6 proceed the way he has been doing with deposition
7 testimony by having it translated, asking her about it.

8 So go ahead.

9 MR. DIAMOND: Thank you, your Honor.

10 BY MR. DIAMOND:

11 Q Do you remember doing an inspection of the
12 apartment with Hussain Noor before you moved in?

13 MS. BATTERSON: I'm not sure which document --

14 THE COURT: So let me hear the objection. Go
15 ahead, please.

16 MS. BATTERSON: I'm not sure what document
17 Mr. Diamond is showing Binti.

18 MR. DIAMOND: Defendant's F.

19 PLAINTIFF'S PARALEGAL DEVON AYERS: F1?

20 MR. DIAMOND: Just F.

21 PLAINTIFF'S PARALEGAL: Defendant's F.

22 MS. BATTERSON: We don't seem to have a
23 Defendant's F.

24 PLAINTIFF'S PARALEGAL: It's in the beginning.

25 MS. BATTERSON: They're tabbed F. We went to

1 the F section. F1 --

2 MR. ROBINSON: In the very beginning.

3 PLAINTIFF'S PARALEGAL: In the very beginning.

4 MR. ROBINSON: In the very beginning of those
5 pages there's --

6 MS. BATTERSON: There's tabs at the Q and to
7 the X section.

8 MR. ROBINSON: Oh.

9 MR. DIAMOND: So I want to show her
10 Defendant's F, which is an inspection checklist that
11 Miss Mohamed signed on 3/2/16.

12 THE WITNESS: The inspection is done by
13 Section 8. They only tell me if he pass or fail. So
14 it's done by Section 8.

15 MR. DIAMOND: This is not a Section 8
16 inspection. This is her inspection of the entire
17 apartment, along with Hussain Noor, before she moved in.

18 THE WITNESS: Yes. Me and Mr. Noor did -- and
19 we did tell Mr. Michael that the sink was leaking, and
20 he said, "That's not a problem. I will fix it."

21 So when we moved in, he didn't fix it. It was
22 still leaking.

23 THE COURT: So I am going to tell you that you
24 need to answer the question. I don't believe that's
25 part of the question. So just answer whatever the

1 attorney asks you, and then the other attorney can ask
2 you different questions.

3 MR. DIAMOND: Will you read her the section on
4 the bathroom, each category, and then let me ask her a
5 question.

6 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)
7 (The witness began to speak in a foreign
8 language.)

9 THE COURT: So, stop. Stop. There's no
10 question. So wait until he asks you a question, and
11 then you can answer.

12 BY MR. DIAMOND:

13 Q The inspection report says that the sink is okay.
14 Does it not?

15 MS. BATTERSON: Objection.

16 THE COURT: Basis?

17 MS. BATTERSON: He is asking her what the
18 inspection report says. She doesn't know because she
19 can't read.

20 THE COURT: He just read it to her.

21 MS. BATTERSON: Okay.

22 BY MR. DIAMOND:

23 Q The inspection report shows that the sink is in
24 good working order. Correct?

25 A Yes. It was clean at that time.

1 MR. DIAMOND: And she signed the report?

2 THE WITNESS: And I was told to sign, and I
3 signed it. I don't read it. I just sign it.

4 BY MR. DIAMOND:

5 Q But Hussain Noor read it to you, did he not?

6 A If someone is reading for you, I'm just waiting for
7 someone to read it, and I -- I sign it. I was told to
8 sign it, and I sign it.

9 THE COURT: So I am going to repeat the
10 question, and you need to answer the question.

11 Did Mr. Hussain Noor read the inspection report to
12 you before you signed it?

13 THE WITNESS: Yes.

14 BY MR. DIAMOND:

15 Q And it says not that the sink is clean but that the
16 sink is okay.

17 A I don't know how it happened. The first I know,
18 the sink was leaking.

19 MR. DIAMOND: Your Honor, I would like to move
20 the admission of Defendant's F.

21 THE COURT: Any objection?

22 MS. BATTERSON: I'm thinking.

23 I'm not sure the document shows what he's saying it
24 shows, but I guess the judge can interpret that for
25 herself.

1 THE COURT: All right. So I am taking no
2 objection other than what weight, if any, should be
3 accorded to it, so Defendant's Exhibit F1 -- do I have
4 it right? -- is admitted.

5 COURTROOM DEPUTY: No. Just F.

6 THE COURT: Just F. Okay.

7 (Defendant's Exhibit F was received in
8 evidence.)

9 BY MR. DIAMOND:

10 Q Now, the next inspection that was done was actually
11 done by the Burlington Housing Authority on May 12,
12 2016.

13 MS. BATTERSON: Which exhibit are we talking
14 about?

15 MR. DIAMOND: Defendant's I3 from this
16 morning.

17 MS. BATTERSON: Objection.

18 THE COURT: All right.

19 MS. BATTERSON: This is one of the documents
20 we received this morning right before --

21 THE COURT: So I had on my list of things to
22 take up this issue, and so I am going to ask
23 Mr. Diamond, if you would go back to counsel table or
24 the podium, and let me take up this issue, because I
25 heard a proffer about a request for these documents -- a

1 release for these documents that Miss Batterson did not
2 give, and that was the reason for the subpoena, but I
3 looked through the discovery certificates, and it looked
4 to me like at some point those records may have been
5 requested.

6 I only have the certificates, not the actual
7 requests. And so I was going to wait to hear
8 Miss Batterson's response to the factual proffer that
9 there was a request for a release, it was denied, and
10 this was the way they got subpoenaed.

11 MS. BATTERSON: So in this, I would have to
12 testify because I was the one that actually had these
13 conversations.

14 THE COURT: You don't have to testify. I take
15 your factual proffer. I will do best by being direct.

16 If these records were in defendant's possession,
17 custody or control, and they did not disclose them or
18 obtain them, too bad for defendants. If the only way
19 they could get to these records is with your client's
20 release, that changes the factual pattern and makes your
21 objection that you are seeing them for the first time
22 less weighty.

23 So, for example, if there was a medical claim, and
24 Dr. Doe had medical records and you refused to release
25 them, so they subpoenaed Dr. Doe, I probably would not

1 sustain your objection to them showing up for the first
2 day of trial. So I am trying to figure out what
3 happened here.

4 MS. BATTERSON: Okay. These records are not
5 within the custody, control of the plaintiff or
6 plaintiffs' counsel.

7 MS. JOHNSON: Rachel?

8 (Brief pause.)

9 MS. BATTERSON: I'm sorry, your Honor.
10 Defendant's counsel requested some of these
11 records. Again, I haven't compared them page for page.
12 There's a lot of records. During -- or we actually just
13 produced them as part of the initial disclosures before
14 being asked. Maybe five days ago plaintiffs' counsel
15 asked us to --

16 THE COURT: Defendant's counsel.

17 MS. BATTERSON: -- defendant's counsel asked
18 us, plaintiffs' counsel, to stipulate to the admission
19 of the documents. We -- as evidence. We did not agree.
20 They then asked us --

21 THE COURT: Did they ask for a stipulation as
22 evidence or authenticity?

23 MS. BATTERSON: Authenticity.

24 THE COURT: Okay.

25 MS. BATTERSON: We said that BHA, Burlington

1 Housing Authority, is the custodian of the documents.
2 And that they're not in our custody and control. They
3 are in the custody and control of a third party. So
4 that third party has the ability to release them or not
5 release them, however -- you know, that's not my choice.
6 That's their choice.

7 THE COURT: Do you have to sign a release?
8 Does your client have to sign a release for them to be
9 given voluntarily? Or -- so if there's no subpoena, can
10 Burlington release them without your client's consent?

11 MS. BATTERSON: I don't think so, but I -- in
12 general, they require a release of the person whose
13 record -- who they -- who the records pertain to.

14 THE COURT: Right. And were you asked for a
15 release and denied it?

16 MS. BATTERSON: Yes.

17 THE COURT: Okay. So basis for objection for
18 them coming in?

19 MS. BATTERSON: Well, for one thing, they
20 weren't asked to be exhibits until two days or maybe
21 three days before trial, so we had very little notice
22 that these were going to be used at trial and no reason
23 to have a witness here to talk about them or to discuss
24 how you read them or -- I mean, any cross examination
25 you might want to do.

1 THE COURT: All right. So you disclosed a
2 portion of these records, correct?

3 MS. BATTERSON: Yes.

4 THE COURT: With your initial disclosures.

5 I am going to find that by a partial disclosure you
6 have waived any objection, and by not providing a
7 release, which you both could have gotten the records
8 much earlier in advance of trial, you left them to the
9 device of having a subpoena and the custodian of records
10 come in and give testimony as to authenticity.

11 That does not mean that you waive your objection to
12 particular records based on relevance or something else,
13 but they are available for use by the defendant, and on
14 a document-by-document basis, if there is grounds for
15 objecting, you can.

16 I can't remember -- the pending question, I
17 believe, is, and there was a May 12th, 2016, inspection
18 by Burlington Housing Authority. There's nothing
19 impermissible about the question, and if Mr. Diamond
20 needs to use the document to refresh recollection, he
21 may do so.

22 MR. DIAMOND: Thank you, your Honor.

23 BY MR. DIAMOND:

24 Q First of all, can I ask, were you present at that
25 inspection? Do you recall?

1 A When was the inspection?

2 Q May 12th, 2016.

3 A I can't remember if I was there.

4 Q Okay.

5 MR. DIAMOND: Well, I want -- if you would do
6 me a favor, please, and read to her what the inspection
7 report, dated May 12, 2016, says about the bathroom.

8 (The witness began to speak in a foreign
9 language.)

10 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

11 THE COURT: So wait for a question. You
12 just -- he is going to read it to you. Then the
13 attorney's going to ask you a question based on what you
14 read.

15 THE WITNESS: I didn't understand.

16 INTERPRETER MOHAMED ALI ABDULLAHI: That's
17 what she said, so I am going to repeat it again.

18 BY MR. DIAMOND:

19 Q The only reference to the bathroom says the tub is
20 not draining properly. Is that correct?

21 A I can't remember that, but I know there was a
22 leak -- leaking.

23 Q Under "bathroom." It never mentions sink, does it?

24 A I can't remember.

25 Q It's not a matter of whether you can remember.

1 It's what's in the report. Does the report, under
2 "bathroom," say anything about the sink?

3 A I don't know. I can't read that, and I -- I don't
4 know about --

5 Q So did you --

6 THE COURT: So stop, because, remember, you
7 were refreshing her recollection -- were you at that
8 inspection -- and then you were showing the document,
9 and we're getting beyond refreshing recollection. So
10 stay on it.

11 BY MR. DIAMOND:

12 Q Does the report list a couple of items that are
13 designated as tenant's responsibility?

14 MS. BATTERSON: Objection.

15 THE COURT: I will allow it as a foundational
16 question.

17 INTERPRETER MOHAMED ALI ABDULLAHI: Can you
18 repeat that?

19 MR. DIAMOND: Oh, yes.

20 INTERPRETER MOHAMED ALI ABDULLAHI: Sorry.

21 BY MR. DIAMOND:

22 Q Does the report say anything about items that are
23 the tenant's responsibility?

24 A I don't understand this.

25 Q Okay. The inspection report reads --

1 THE COURT: So this is not a document that has
2 been admitted; has it? So remember, we are going to do
3 it by document-by-document basis.

4 MR. DIAMOND: Then I will move for the
5 admission of I3, which is the report for the May 12th,
6 2016, inspection, the reinspection of June 10th, and the
7 reinspection of June 27th. It also has attached to it
8 the detailed room-by-room aspects of the inspection.

9 THE COURT: Any objection to the admission of
10 Defendant's Exhibit I3?

11 MS. BATTERSON: I guess I object because it's
12 not clear on its face what the document actually -- I
13 mean, it's clearly a BHA inspection report. It's not
14 clear what it says or what it concludes.

15 THE COURT: So I am going to admit Defendant's
16 Exhibit I3. If it is not clear what it says, then the
17 finder of fact will probably reach that conclusion as
18 well.

19 (Defendant's Exhibit I3 was received in
20 evidence.)

21 MR. DIAMOND: So, your Honor, may I read it
22 into the record, what it says?

23 THE COURT: I will -- it's in the record, and
24 you can hand it up to me and I will look at it, but
25 let's move on to another question so we use our time

1 efficiently.

2 MR. DIAMOND: Okay.

3 Your Honor, I just misplaced a list, your Honor.

4 MR. ROBINSON: Jerry, is it one of these?

5 MR. DIAMOND: Yes. Thank you.

6 Your Honor, I would like to move the admission of
7 I -- Defendant's I4, which are letters to Miss Mohamed
8 about the inspection -- they're notices, and I5, which
9 is the inspection report dealing with June 27, 2017, and
10 the follow-ups of July 27, August 11th and September
11 11th --

12 THE COURT: Of what year?

13 MR. DIAMOND: -- for the reinspections.

14 THE COURT: Of the same year?

15 MR. DIAMOND: Same year. Yes, ma'am.

16 THE COURT: Any objection to the admission of
17 I4 and I5?

18 Do I have your exhibit numbers right?

19 MR. DIAMOND: That's correct, your Honor.

20 MS. BATTERSON: No, your Honor.

21 THE COURT: I4 and I5 are admitted.

22 (Defendant's Exhibits I4 and I5 were received
23 in evidence.)

24 MR. DIAMOND: Your Honor, the report of -- on
25 the June 27, 2017, inspection, for the first time

1 indicates a bathroom sink has some leaking underneath.

2 MS. BATTERSON: Objection, your Honor.

3 THE COURT: So are you asking me a question
4 or -- you are in the middle of questioning a witness.

5 MR. DIAMOND: I was, but --

6 THE COURT: I will look at every exhibit
7 that's admitted start to finish, but you are questioning
8 the witness right now.

9 MR. DIAMOND: Okay.

10 If you would show her Defendant's I5 and take her
11 down to these three items. Would you read to her number
12 two.

13 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

14 BY MR. DIAMOND:

15 Q Miss Mohamed, this is the first time of any of the
16 inspections that the sink is mentioned at all. Do you
17 understand that?

18 A Yes.

19 Q It says on the second page -- if you'll read --
20 "the tenant stated there was a leak in the bathroom
21 sink. There was a bucket of water under the drain, but
22 the leak could not be found."

23 MR. DIAMOND: Could you read that to her?

24 INTERPRETER MOHAMED ALI ABDULLAHI: (Complied.)

25 (Witness speaking foreign language.)

1 BY MR. DIAMOND:

2 Q Does that refresh your recollection that the sink
3 did not leak in May, June, July, August, September of
4 2017?

5 A It was leaking.

6 THE COURT: It wasn't leaking?

7 INTERPRETER MOHAMED ALI ABDULLAHI: It was.

8 THE COURT: It was leaking. Okay.

9 MR. DIAMOND: Your Honor, as long as we are --
10 if I can finish up these exhibits from the apartment, I
11 have I2 and I1.

12 THE COURT: I2 is what?

13 MR. DIAMOND: I2 is an inspection report
14 from -- it's dated 2/1/16. And, quite frankly, so is
15 Defendant's I1. I don't think we need them both,
16 because they are the same report.

17 (Brief pause.)

18 MR. DIAMOND: Excuse me, your Honor. There is
19 a substantial difference in the two documents. I2 is an
20 acknowledgement, back page, from the Burlington Housing
21 Authority that Miss Mohamed signed on 2/2/16, so that
22 she had this and reviewed it.

23 THE COURT: So don't make an argument. Tell
24 me that -- what the two documents are for the record.
25 Move to admit them. I will see if there's an objection.

1 Once they're admitted, you can use them to question the
2 witness.

3 MR. DIAMOND: They are the same report except
4 that I2 has a -- a signature page showing that Mr.
5 McLaurin and Binti Mohamed signed knowing the inspection
6 report 2/2/16. So move the admission of both of them.

7 THE COURT: Any objection to the admission of
8 I1 and I2?

9 MS. BATTERSON: I2 -- I am trying to figure
10 out what these are. Sorry.

11 THE COURT: So they're the inspection reports
12 from 2/1/16, and the only difference I am being told
13 between the two documents is a signature/acknowledgement
14 page from one of them.

15 So the question is, is there any objection to the
16 admission of I1 and I2?

17 MS. BATTERSON: No, your Honor.

18 THE COURT: I1 and I2 are admitted.

19 (Defendant's Exhibits I1 and I2 were received
20 in evidence.)

21 THE COURT: We're almost at 4:30, and we seem
22 to be moving much slower, and so let me ask how much
23 more you have on cross, Mr. Diamond?

24 MR. DIAMOND: I would -- I would think another
25 hour, your Honor.

1 THE COURT: All right. Okay. Is this then a
2 logical breaking point?

3 MR. DIAMOND: It is. I was going to go into
4 other documents at this time.

5 THE COURT: Okay. If you want to do that,
6 that -- do we need the witness on the stand for that?
7 Are you going to ask questions? You are.

8 Okay. We will go right till 4:30.

9 INTERPRETER MOHAMED ALI ABDULLAHI: Your
10 Honor, I have a question.

11 THE COURT: Yes.

12 INTERPRETER MOHAMED ALI ABDULLAHI: I was told
13 this goes up to 4:30, and I have a job at five I have to
14 go.

15 THE COURT: Don't worry. I will stop right at
16 4:30.

17 INTERPRETER MOHAMED ALI ABDULLAHI: Okay.

18 THE COURT: I will not go longer.

19 MR. DIAMOND: Your Honor, I am going to ask --
20 well, okay.

21 BY MR. DIAMOND:

22 Q Miss Mohamed, you testified earlier that you
23 received a letter saying that all of your belongings
24 were going to be thrown out on the street and that
25 that -- that letter came to you when?

1 A It was in June. And I take the letter -- someone
2 read it for me, and the way they stated, they stated by
3 June, the end of June, that's going to happen.

4 Q Do you have a --

5 A June 16.

6 INTERPRETER MOHAMED ALI ABDULLAHI: Sorry.

7 MR. DIAMOND: June what?

8 INTERPRETER MOHAMED ALI ABDULLAHI: 16.

9 BY MR. DIAMOND:

10 Q Do you have a copy of that letter?

11 A Rachel has it.

12 MR. DIAMOND: We have never seen it. Is there
13 such a letter?

14 MR. ROBINSON: Jerry?

15 (Brief pause.)

16 MR. DIAMOND: I will come back to that.

17 THE COURT: All right. We are actually at the
18 4:30 hour, and we have had a very patient interpreter,
19 so I don't want him to be late for work, and my guess is
20 things may be a little bit smoother in the morning.

21 So I am going to let the witness take -- go back
22 and sit down next to her attorney, and I am going to
23 release the interpreter, and we are going to start
24 tomorrow at nine.

25 Does that work for everybody?

1 MR. DIAMOND: Yes, your Honor.

2 THE COURT: And you will be here?

3 INTERPRETER MOHAMED ALI ABDULLAHI: Yes, I
4 will be here.

5 THE COURT: Great. Thank you very much.

6 MR. DIAMOND: Your Honor, may we leave our
7 boxes here overnight?

8 THE COURT: Well, there is construction. You
9 have my permission to put your boxes in this well here.
10 I make no -- you can go ahead. You don't have to --

11 INTERPRETER MOHAMED ALI ABDULLAHI: Thank you.

12 THE COURT: I make no promises as to their
13 safety. If the construction workers use them for fuel
14 and marshmallows, that's fine with me.

15 MR. DIAMOND: All right. We will be in real
16 trouble.

17 THE COURT: Yes. You take the risk.

18 MR. DIAMOND: Thank you, your Honor.

19 THE COURT: All right. So housekeeping: We
20 are going to have another hour on cross, and then we
21 will have some redirect. Everybody has witnesses lined
22 up for tomorrow? Yes?

23 MR. DIAMOND: We may not get beyond Mr.
24 McLaurin tomorrow.

25 THE COURT: We'll see. But be prepared to use

1 the time -- all of the time.

2 MR. DIAMOND: Yes.

3 THE COURT: Okay. And then anything to bring
4 to my attention before we break for the day?

5 MS. BATTERSON: I don't think so, your Honor.
6 Or no.

7 THE COURT: Mr. Diamond, anything to bring to
8 my attention?

9 MR. DIAMOND: No.

10 THE COURT: After every day -- and this is not
11 a long trial, but it's always helpful to check with Jen
12 that she had the same things admitted that you do,
13 because I can rule on it much easier if it's close in
14 time to when I think it was admitted than waiting to the
15 end of the bench trial and determining whether it's been
16 admitted.

17 MR. DIAMOND: Thank you.

18 (Court was in recess at 4:32 p.m.)

19 *** ** ***

20

21 C E R T I F I C A T I O N

22 I certify that the foregoing is a correct
23 transcript from the record of proceedings in the
above-entitled matter.

24



25 April 12, 2019
Date

Anne Nichols Pierce